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Presented by:
Rob. Clapham
to Lt. L. E. Bromhead
Nov.
30 Nov. 1842

Gough Adds.
Nottingham &c. 20.

A

VINDICATION

OF THE

Conduct and Principles

OF

THE PRINTER OF

THE NEWARK HERALD,

&c. &c.

PRICE TWO SHILLINGS AND SIXPENCE,

A

VINDICATION

OF THE

CONDUCT and PRINCIPLES

OF THE PRINTER OF

The Newark Herald:

AN APPEAL

TO THE

JUSTICE OF THE PEOPLE OF ENGLAND,

ON THE RESULT OF TWO RECENT

AND

EXTRAORDINARY PROSECUTIONS

FOR LIBELS.

WITH AN APPENDIX.

By DANIEL HOLT,

PRINTER OF THE NEWARK HERALD.

FORBIDDEN WRITINGS ARE GENERALLY THOUGHT TO BE CERTAIN SPARKS OF TRUTH, THAT FLY UP IN THE FACES OF THOSE WHO SEEK TO TREAD THEM DOWN. *Lord Bacon.*

Newark;

PRINTED AND SOLD BY THE AUTHOR;

SOLD ALSO BY SUTTON, NOTTINGHAM; GALES, SHEFFIELD; H. D. SYMONDS, PATERNOSTER ROW; J. RIDGWAY, YORK-STREET; D. I. EATON, NEWGATE-STREET; AND S. CROSBY, STATIONER'S COURT, LONDON.

M,DCC,XCIV.

TO THE PUBLIC.

THE Writer of the enſuing pages, wiſhes to deprecate the ſeverity of Criticiſm, ſhould Criticiſm ever be exerciſed on a production ſo much beneath its attention. Conſcious that it abounds in grammatical and other errors, he wiſhes to excuſe faults of ſuch magnitude, by ſaying, that his object has been not ſo much "to write a book," as to vindicate his character from thoſe aſperſions which the malevolence of ſome, and the intereſt and ignorance of others, have endeavoured to caſt upon it.—Dragged by his numerous enemies from that happy obſcurity in which he lived; forced from that "divine oblivion of low thoughted care," in which he paſſed his days, he has been unwillingly obliged to commence Author "in his own deſpite" As he ſins in this inſtance againſt his own inclination, he hopes his tranſgreſſions againſt literary propriety will be forgiven him.

Purſued as he has been by the furious, unceaſing, and vindictive malice of a numerous herd of aſſociated political aſſaſſins, and doomed to an almoſt unexampled impriſonment, by the unrelenting hand of legal

ſeverity, he throws himſelf upon the humanity, benevolence, and candour of the Britiſh Nation, as the laſt and only tribunal to which he can appeal, and from which he fully expects impartiality, juſtice, and protection. To no other power can he now addreſs himſelf, and to that power he truſts no apology is neceſſary for bringing his ſingular and unparalleled caſe before them; for "The caſe of an individual be-
"comes a matter of public appeal, and deſerves to ex-
"cite univerſal anxiety and alarm, whenever it is mark-
"ed by injuſtice and oppreſſion. The people are loudly
"called on to oppoſe every act of individual *tyran-*
"ny, exerciſed againſt the common *rights and liber-*
"ties of the ſubject; otherwiſe, they may be aſſured
"it will be eagerly ſeized as a precedent by thoſe in
"power, and, once eſtabliſhed, may eventually termi-
"nate in the total annihilation of every thing moſt
*"dear which our anceſtors bequeathed us."**

* *Caſe of* CHARLES PIGOTT, 8vo. EATON, 1793.

THE KING

AGAINST

DANIEL HOLT.

INFORMATION.

Nottinghamſhire, to wit. } BE it remembered that Sir Archibald Macdonald, Knight, Attorney General of our preſent Sovereign Lord the King, who for our ſaid Lord the King in this behalf proſecutes in his own proper perſon comes here into the Court of our ſaid Lord the King, before the King himſelf, at Weſtminſter, on Wedneſday next after the octave of Saint Hilary, in this ſame term, and for our ſaid Lord the King, giveth the Court here to underſtand and be informed, that DANIEL HOLT, late of NEWARK-UPON-TRENT in the County of Nottingham, Printer, being a *wicked, malicious, ſeditious*, and *ill diſpoſed* perſon, and being *greatly diſaffected* to our ſaid Lord the King, and to the Conſtitution and Government of this kingdom, and *wickedly, maliciouſly*, and *ſeditiouſly*, *deſigning*, *contriving*, and *intending* to diſturb the peace and tranquility of our ſaid Lord the King, and of this kingdom, and to *ſcandalize, defame*, and *vilify* his ſaid Majeſty's Government and the Parliament and Statutes of this kingdom, and the Repreſentatives of the People of this kingdom in the Parliament thereof, and to bring them reſpectively into *hatred* and *contempt* with his Majeſty's ſubjects, and to repreſent

and cauſe it to be believed by his ſaid Majeſty's ſubjects that their ſaid Repreſentatives in Parliament were *corrupt* and *profligate*, and *betrayed* their *Rights* and *Intereſts*, and to *excite* and *ſtir up diſcontent*, and *ſedition* amongſt his ſaid Majeſty's ſubjects, on the Firſt day of January, in the Thirty Third year of the reign of our ſaid Lord the now King, at Newark-upon-Trent, in the ſaid county of Nottingham, to *complete*, *perfect*, and *bring to effect* his ſaid *wicked contrivances* and *intentions*, *wickedly*, *maliciouſly*, and *ſeditiouſly* did print and publiſh and cauſed to be printed and publiſhed in the form of an Addreſs to the Tradeſmen, Mechanics, Labourers and other Inhabitants of the Town of Newark aforeſaid on a Parliamentary Reform, a certain *wicked*, *ſcandalous*, and *ſeditious* Libel (amongſt other things) of and concerning his ſaid Majeſty's Government and the adminiſtration thereof, and of and concerning the Parliament and Statutes of this Kingdom, and of and concerning the Repreſentatives of the People of this kingdom in the Parliament thereof, in one part of the ſaid Libel according to the tenor aud effect following; That is to ſay,

"6. If the preſent inequality of repreſentation [*meaning repreſentation in the parliament of this kingdom*] and length of Parliaments [*meaning the Parliaments of this kingdom*] be the cauſes of Parliamentary Corruption, as they undoubtedly are, [*meaning that the preſent Parliament of this kingdom as to the Repreſentatives of the People in the Parliament, was undoubtedly corrupt*] we muſt remove the cauſes before the effect will ceaſe.

"7. By a corrupt Parliament is meant that, which inſtead of being a ſhield againſt unneceſſary taxation, is "the hired inſtrument whereby the nation" [*meaning this kingdom*] "is pillaged, that which inſtead of proving a "check upon the Crown" [*meaning the Crown of this*

kingdom] "when diſpoſed to engage in unneceſſary and "ruinous wars, is the bribed tool by which the nation" [*meaning this kingdom*] "was firſt gulled into an approba-"tion of war, and afterwards drained of its blood and "treaſures to carry it on:—And again, uniform experi-"ence teaches us that whenever Parliaments" [*meaning the Parliament of this kingdom*] "are under an undue in-"fluence from the crown," [*meaning the Crown of this kingdom*] "they are ever ready to betray the moſt ſacred "Rights of the People." [*meaning the ſubjects of this kingdom.*] "Suffice it at preſent to recall to your recollection "a few inſtances only. In the reign of Henry VIII. [*meaning Henry VIII. heretofore King of England*] "par-"liament" [*meaning the then Parliament of this kingdom*] "enacted that the King's proclamation ſhould have the "force of law: in the reign of William III." [*meaning William III heretofore King of England*] "they made a pre-"cedent for ſuſpending by ſtatute the benefit of the Habeas "Corpus; and it has ſince been ſeveral times practiſed: "in the reign of George I." [*meaning George I. heretofore King of Great Britain*] "by means of the ſtatute vul-"garly called the Riot Act, all the conſtitutional means "of giving ſupport to the civil Magiſtrate were ſupplant-"ed in favour of the practice of calling out the ſtanding "army. That Government" [*meaning the Government of this kingdom*] "which cannot preſerve its authority with-"out ſuch an inſtrument, deſerves not the name of go-"vernment; and that country," [*meaning this kingdom*] "in which it is an ordinary practice to ſupport the exe-"cution of its laws by a ſtanding army, is not a free coun-"try. But the deadlieſt wounds that Freedom ever re-"ceived from parliament," [*meaning the Parliament of this kingdom*] "were thoſe which have been given it by the

" disfranchiſing ſtatute of Henry VI." [*meaning Henry VI. heretofore King of England*] " the triennial act of " William III. [*meaning William III. heretofore King of England*] " and the ſeptennial act of George I. [*meaning George I. heretofore King of Great Britain*] " for by the " joint operation of thoſe three ſtatutes the very founda- " tion of the Conſtitution" [*meaning the Conſtitution of this kingdom*] " are removed. Thoſe ſtatutes not only " defraud the nation [*meaning this kingdom*] " of ſix parts " in ſeven both of its election and its repreſentation, but " they have effectually vitiated the remaining ſeventh.

" 8. Parliaments choſen as they now are, and continu- " ing for ſeven years as they now do, will ever be com- " poſed, for the moſt part, of a few factions, under the " guidance of particular noblemen, perpetually contend- " ing for the power and emoluments of office. The com- " mon ſoldiery of theſe ſeveral factions, like that of all " other ſtanding armies, is made up of mercenaries " from the moſt idle and profligate orders of the commu- " ty. Who ſo idle as men of pleaſure, and the vicious part " of our nobility and gentry? Who ſo profligate as mur- " dering nabobs, proſtitute lawyers, and unprincipled ad- " venturers, who through the iniquity of corrupt elections " make their way into parliament, [*meaning the parliament of this kingdom*] " and there let out their tongues and their " votes for hire?" And in another part thereof accord- ing to the tenor and effect following; (to wit.)

" 19. A moment's reflection will convince any candid " man, that in ſuch elections" [*meaning the elections of repreſentatives to ſerve in the Parliament of this kingdom*] " annually repeated, there could be no ſuch thing as bri- " bery; and if a ballot were added, all undue influence " of wealth or authority would be guarded againſt. Bri-

" bery and threats out of the queſtion, who could have an " intereſt or temptation to promote any licentiouſneſs? " It has already been ſhewn alſo that in parliaments" [*meaning the parliaments of this kingdom*] " ſo elected, and ſo " dependent on the eſteem and confidence, and power of " the people," [*meaning the ſubjects of this kingdom*] " it " would be as impoſſible for a miniſter" [*meaning the Miniſter of our ſaid Lord the King employed in the adminiſtration of his Government*] " to obtain ſupport by corruption " as now it is impoſſible to find ſupport" [*meaning ſupport from the Parliament of this kingdom*] " without corruption. " 20, But a Miniſter, [*meaning ſuch Miniſter as aforeſaid*] " it is ſaid cannot carry on the Buſineſs of the Na- " tion [*meaning this Kingdom*] " without a majority. " This is held to be an axiom in politics, and ſo it is. " No maxim is more true. But it is equally true that " in Parliaments choſen as ours [*meaning the Parliament of this Kingdom*] " now are, that Majority muſt be had " by means of Faction and Bribery; in a reformed Parlia- " ment it muſt be gained by rectitude of Meaſures alone;" In contempt of our ſaid Lord the King, in open violation of his Law, to the evil and pernicious Example of all others in the like Caſe offending, and againſt the peace of our ſaid Lord the King, his Crown and Dignity. Whereupon the ſaid Attorney General of our ſaid Lord the King, who for our ſaid Lord the King in this behalf proſecutes for our ſaid Lord the King, prayeth, the conſideration of the Court here in the premiſes, and that due proceſs of Law may be awarded againſt him the ſaid DANIEL HOLT in this behalf to make him Anſwer to our ſaid Lord the King touching and concerning the Premiſes aforeſaid.

"Better it were to live under no law at all, and, by the maxims "of cautious prudence, to conform ourſelves, the beſt we can, to "the arbitrary will of a MASTER; than fancy we have a law on "which we can rely, and find at laſt, that this law ſhall inflict a "puniſhment precedent to the promulgation, and try us by maxims "unheard of till the very moment of the proſecution. If I ſail on "the Thames, and ſplit my veſſel on an anchor; in caſe there be "no buoy to give warning, the party ſhall pay me damages: But "if the anchor be marked out, then is the ſtriking on it at my peril. "Where is the mark ſet upon this crime? Where the token by "which I ſhould diſcover it? It has been concealed, under water; "and no human prudence, no human innocence, could ſave me "from the deſtruction with which I am at preſent threatened!"*

* *Speech of* LORD STRAFFORD. HUME *Hiſt. Eng.* 8vo. Edition, Vol. 6, *page* 404.

A LETTER,

ADDRESSED TO THE

INHABITANTS OF NEWARK, &c.

FELLOW TOWNSMEN,

WHEN the iron arm of power has been lifted up to cruſh a defenceleſs, unprotected individual; when the *aſſociated* malice of his enemies has endeavoured to blacken his character,—vilify his conduct,—miſrepreſent his principles,—deſtroy his domeſtic happineſs,—and blaſt his proſpects for ever; to his Countrymen he then has a right to appeal, and claim for himſelf that juſtice which has by ſuch unworthy means been denied him. Indeed, it then becomes a duty which he owes to himſelf,—to his family,—to his friends,—and to the public in general; however obſcure his ſituation in life may be; to come forward and openly refute calumnies of ſo groſs a nature, and expoſe ſuch injurious miſrepreſentations to the well-merited contempt and indignation of mankind.

Actuated by theſe motives, and deſirous that my character ſhould appear favorable in the eyes of the liberal part *only* of my Fellow-Townſmen, it is with peculiar

ſatisfaction that I now preſume to addreſs myſelf to your notice; confident that I ſhall obtain from you, what has hitherto been ſo ſucceſsfully denied me:—*impartial juſtice.*—Experiencing at this moment a long impriſonment on account of my conduct and principles, it is with confidence that I now ſtate to you what that conduct has been, and what thoſe principles are, of which you have lately heard ſo much, and for which I have received ſo much malevolent abuſe and *perſecution* from the deſpicable political hirelings of the day. When you have candidly conſidered this ſtatement;—when you have impartially examined the reaſons of my conduct,—the validity of my opinions,—and the nature of my various *offences;* I am ſtrongly perſuaded that your juſtice will induce you to decide the cauſe in my favor, and place the *guilt*, where it *only* ought to reſt—on the heads of my malicious accuſers! In order to accompliſh an object of ſuch immediate conſequence to myſelf, as the vindication of my own character, I ſhall now proceed to lay the enſuing narrative of facts before you, interſperſed with ſuch obſervations as ſpontaneouſly aroſe in my mind, from a diſpaſſionate review of the different ſubjects, as they paſſed before me. If theſe obſervations are ſtrong, and breathe a fervid ſpirit of Liberty and independence; if they are only the pure effuſions of a mind conſcious of its own rectitude, and perfectly free from thoſe "foul crimes" laid to its charge, I truſt even in *theſe days* they will need no apology.

In making this public addreſs to you, my Fellow Townſmen, I afford my numerous enemies a fair opportunity of vindicating their proceedings, and of combating my arguments and aſſertions. I challenge their refutation. If they *can* defend and *juſtify* a mode of conduct ſo palpably partial and iniquitous, as that which they

have ſo recently and virulently adopted againſt me, they will be glad of this opportunity of ſubmitting their reaſons to the inveſtigation of the public, and of courſe chearfully accept the challenge. If, on the contrary, they decline taking up the gauntlet, and *tacitly* leave me maſter of the field, I ſhall think myſelf entitled to the honor of the victory, and claim it accordingly. In either caſe, it will remain with you, to decide between us.

Perſuaded that I am now addreſſing not only an impartial, but a liberal tribunal; and that I am pleading the cauſe of LIBERTY, TRUTH, and JUSTICE, againſt *tyranny*, *falſehood*, and *malice*; I haſten to ſubmit my defence to your examination, and in the mean time await your deciſion with the firmneſs and compoſure of a man, aſſured of having performed only what he has all along conſcientiouſly conceived to be his duty;—the duty of a PRINTER, and an ENGLISHMAN.

Soon after the inſtitution of the "*Newark Aſſociation, for the ſupport of the Conſtitution*," a member of the committee called on me as a friend, and acquainted me, that the *Aſſociation* had it in contemplation to *inform* againſt all thoſe who publiſhed writings of a *ſeditious* tendency; and requeſted me to take out of my ſhop window, ſeveral publications which he apprehended they in their *wiſdom* might deem either *ſeditious* or *improper*. Knowing that I had no publications expoſed to ſale, that were *then* pronounced either *libellous* or *ſeditious*, by the *laws* of my country; and warmed at the bare ſuppoſition that I ſhould be thought capable of ſelling any book of that deſcription, *knowing it to be ſo*, I anſwered him, I believe, nearly in the following words: "That I was highly ſenſible of this

mark of his friendſhip, and conceived myſelf much obliged to him for taking the trouble to inform me of the intention of the *Aſſociation*, previous to their putting it into execution; but, at the ſame time, I begged leave to ſay, that as the publications to which he alluded had not yet been *legally* pronounced Libels by a *jury* of my Fellow Citizens, or even noticed as ſuch by the ATTORNEY GENERAL in *London*, where they were originally and avowedly publiſhed; I could not, nor would not conſent to take them out of the window, or prevent their being publicly ſold in my ſhop, to gratify the tyrannic wiſhes of a ſet of men who certainly had no *legal* authority to interfere in the buſineſs. To comply with the requiſitions of the Aſſociation in this, or in any other inſtance, where the obnoxious writings were not ſpecifically mentioned, would be to ſtrike at the very root of my buſineſs; for how was I to aſcertain what were, and what were not Libels, previous to their being ſo found by the verdict of a Jury? What was I to ſell, or what was I to refuſe ſelling? Where was I to draw the line? I obſerved, that far from being the *wilful, ſeditious, diſaffected* perſon the Aſſociation wiſhed to have the public believe, and which they *effected* to believe themſelves; I refuſed to ſell *both* parts of MR. PAINE'S *Rights of Man*, tho' the verdict then only applied to the ſecond, as ſoon as I knew it to be adjudged a Libel. Did this conduct wear the appearance of *diſaffection*? With reſpect to the unwarrantable ſuſpicions of my principles and views, implied in this intended interference of the Aſſociation, they merited no other refutation, than indignant contempt.—After ſome obſervations on the prejudicial and deſpotic tendency, of the interference of the Aſſociation in the ſale of political pamphlets, and in the *internal regulation* of my buſineſs; I concluded by declaring, that, from ſeveral *private cir-*

cumſtances, I was well convinced it was not a love of public juſtice that actuated the Aſſociation in their proceedings againſt me, but a diabolical ſpirit of party revenge,* and a deſire to wound thro' me the *local* Liberty of the Preſs, that induced them to take the preſent ſteps; but I aſſured him in the accompliſhment of theſe objects they would *eventually* find themſelves miſtaken and diſappointed, as I was determined not to ſwerve from my duty as a man and a Printer, thro' the apprehenſion of any perſonal danger, nor was I to be intimidated by the pitiful *threats* of *aſſociated placemen* and *penſioners*.—The Freedom of the Preſs was attacked, and I felt it my duty as well as my inclination, as a PRINTER, to defend and ſupport it, as far as my individual† exertions could extend. In thoſe times of *falſe alarm*, and *pretended danger*, it became every true friend to his country to be at his poſt. *This* I conceived to be mine, and here they would ever find me."—Here this gentleman left me, but not without firſt acquieſcing in the propriety of my remarks, and expreſſing his approbation of my conduct.—I have been thus particular

* The public will ſcarcely believe, that nothing leſs than my total ruin was the avowed object of my enemies. The fact is notorious in Newark; and this object of the various proſecutions commenced againſt me, has been openly and unblushingly avowed by ſome men, in ſeveral private and public companies.—I mean not to charge every member of the Aſſociation with this infamous intention. This charge would be both falſe and unjuſt, as ſeveral gentlemen, tho' their names then ſtood in the liſt, not only declined all participation in my proſecutions, but alſo expreſſed their decided diſapprobation of the meaſure. My ſtrictures, of courſe, apply not to them.—*Thoſe whom the cap fits, may wear it.*

† "Every good man owes it to his country, and to his own character, to lift his voice againſt a ruinous war, an unequal tax, or an edict of perſecution: and to oppoſe them, temperately, but firmly, by all the means in his power; and indeed this is the only way reformation can ever be brought about, or that government can enjoy the advantage of general opinion."—*Sins of the Government, Sins of the Nation*, page 36, 37. 3d Edit.

in relating the circumſtances of this interview, as the ſubſequent proceedings of the Aſſociation were manifeſtly regulated by it.

From the moment this gentleman left me, I foreſaw what would happen; and expected, as a matter of courſe, an application from the Aſſociation to the ATTORNEY GENERAL, to file an Information againſt me, for my *outrageous* and *ſeditious* conduct. This gentleman's report to the Aſſociation I knew would be juſt, and I alſo knew that report would only exaſperate men embarked in ſuch a worthleſs cauſe, as becoming *ſpies* over the profeſſional conduct of thoſe who were perhaps more diſintereſted, or more patriotic, than themſelves. I therefore expected the further attention of this *auguſt*, *infallible* body, of theſe *ſelf-created guardians*, and *elucidators* of the Conſtitution. Accordingly, a few days after, I received a copy of the following reſolutions, addreſſed to me by a ſhort letter from their *ſapient* Secretary, an *Attorney!**

* It is perhaps worthy of remark, that at the head of all theſe Place and Penſion Clubs, we uſually find a *few diſintereſted* Attornies! The reaſon is obvious. Were a Reform in Parliament to take place, a ſimplification of the Laws, among other beneficial things, would be the conſequence. If the Laws were made more intelligible, leſs expenſive, or brought into a narrower compaſs, Attornies, of courſe would be leſs neceſſary, and a very great reduction in the number of thoſe Locuſts would be the immediate conſequence.—This being the caſe, there is no wonder that Attornies with other ſuch like diſintereſted characters, aſſociating to ſupport that, which is productive of ſuch innumerable bleſſings, to themſelves. Men who are thus ſituated, and who have ſo much at ſtake, need no other incentive to hunt down the man who profeſſes himſelf a friend to juſtice and reformation. In caſting my eye upon the liſt of theſe worthies, I behold (without *much* aſtoniſhment, I muſt confeſs) thoſe who are eager to pay their devotion to the powers that be, that they may obtain for themſelves, or their relatives, ſome of "*the good things of this world.*"—Here is the reaſon why they are ſtepping officiouſly and malignantly forward on every occaſion, to ſhew their hoſtility to a Reform of Parliament, and to the men who endeavour to accompliſh it.

"At a numerous meeting of the Committee of the NEWARK ASSOCIATION, held at the Town Hall, on Monday, the 24th of December, 1792,

"It was resolved unanimously,

"That this Committee will, in pursuance of the second resolution of the General Meeting, take every measure the law impowers them to punish the Authors, Publishers, and Distributers of all seditious writings.

"That a number of copies of the Extracts from Judge Blackstone's Commentaries, and other Writers on the subject of Treason, be printed and dispersed in this Town and Neighbourhood, and that a Reward of FIVE GUINEAS † be offered to any person who will discover the Author of any Treasonable Writing or Conduct, to be paid by this Association on conviction of the offender."

These *arbritrary*, *foolish*, *officious*, and *impertinent* resolutions were calculated, not surely for the unambiguous, unequivocal, regulation of the conduct of the Booksellers, in retailing their *wares* to the public. No identical publication whatever was mentioned; nothing particular,—nothing specific,—nothing clear was ascertained. The Bookseller, left to explore his way through that intricate labyrinth, the "*glorious uncertainty of the law*," was placed in a situation, where the greatest abilities, the most vigorous understanding, and the most profound knowledge of the laws, would be of no avail. What was thought *innocent* in one place, might, as the *malice* and *conceptions* of

† Perhaps it may not be altogether unentertaining to inform the Reader, that these *loyal* men raised a *small* Fund for the *laudable* purpose of *persecuting* their *neighbours*. Unfortunately this money was lodged in the hands of a person who soon afterwards became a *Bankrupt*, a circumstance which it is much feared will totally check that career of *Loyalty* which commenced so *gloriously*.—They must now be content to pursue *smaller game* than *seditious*, *audacious*, *impertinent* PRINTERS, who impudently persist in avowing their attachment to the *wicked* Cause of *Reformation*, in defiance of *pensioned Associations*, whose ill-concealed alarm furnish them with perpetual subjects of ridicule and laughter.—In future all *prosecutions*, undertaken by this body of *political spies*, must be at the rate of a DIVIDEND *of so much in the Pound!!!*

the Aſſociators prevailed, be deemed " a falſe, ſcandalous, and ſeditious Libel," in another. This has really been the caſe.—Had theſe ſapient expounders of the laws, (for they profeſs to underſtand the Conſtitution better than their neighbours) thought fit to inform me what particular books they intended to deſignate by the vague, unmeaning term, "*ſeditious*," I might perhaps, have been more guarded and circumſpect in my conduct; had I been in the leaſt inclined to follow their impertinent ſuggeſtions. But here I was as much in the dark as ever. I had no guide, no rule to go by. Except, indeed, they complimented me ſo far, as to ſuppoſe that my abilities were fully adequate to determine that *profound* and *myſterious* point; that point which it was recently declared in the Houſe of Lords, JUDGES * alone were capable of deciding; viz. what *is*, and what *is not* a Libel!—Did theſe *enlightened* Aſſociators imagine that I was ſo peculiarly favored by nature and education, as to poſſeſs all thoſe qualities of the mind, which ſo rarely meet together in one perſon; thoſe qualities which conſtitute a found Lawyer, an enlightened Politician, and a liberal Critic? Or rather in the plenitude of their zeal to *promote* my *pecuniary intereſt*, did they not intend me to have kept a BARRISTER in my houſe, whoſe advice and opinions I might always have had at a very *trifling expence!*—But I beg their pardon for doing them ſo much injuſtice. I know them better, than to ſuppoſe for a moment, that any other than premeditated ambiguity was their object. Their " Reſolutions " were ſtudiouſly and intentionally involved in obſcurity, otherwiſe they would have been more intelligible and leſs equivocal.—Had their object been *pre-*

* See Debate on the Libel Bill—8vo. Printed for Johnſon. Alſo Lord Stanhope's *Rights of Juries*,—8vo.

vention, inſtead of *wilful perplexity*; they would undoubtedly have granted me a *licence*, under their *ſign manual*, for the ſale of *ſome* political productions, and have placed the following inſcription over my door: "POLITICAL PAMPHLETS, OF THE RIGHT SORT, SOLD HERE, BY AUTHORITY OF THE NEWARK ASSOCIATION." Had this ſtep been taken, and in *neighbourly kindneſs* to me, it ought to have been taken; my proſecutions would have never ſeen the light, or diſgraced the country; and the "*Swiniſh multitude*" would have been ſucceſsfully prevented from wallowing in the mire of *ſeditious reformation!*—To be ſerious.

Setting aſide the tyranny and illegality of this arrogant interference of one tradeſman in the buſineſs of another, let us my fellow Citizens, trace the probable conſequences which would have reſulted to myſelf, had I ſubmitted to the arbitrary and deſpotic mandates of the Aſſociation.—I received from my bookſeller in London, a parcel of books and pamphlets, of all deſcriptions, for my cuſtomers in the Country. All theſe different publications, prior to their being ſent to me, have been, perhaps, publicly advertiſed in all the London newſpapers, recommended by all the reviews, and ſold by almoſt all the Bookſellers in the nation. But before I could uſe the common *privilege* of ſending them home to their reſpective owners, or expoſe them in my ſhop window for ſale, it ſeems neceſſary that the Aſſociation's approbation of their contents ſhould be previouſly gained;—that their aſſociated *wiſdom* ſhould pronounce them to be Libels or not; and, if after a *minute* and *rigid* ſcrutiny, they were found to be of the *right ſort*, then they, as a body of *political Exciſemen*, ſhould grant me a *permit* for their ſale! Behold the unavoidable conſequences of ſuch proceedings,—nine out of ten of my cuſ-

tomers would be diſappointed and diſſatisfied ; my ſhop deſerted,—my buſineſs ruined,—and theſe enlightened gentlemen no more troubled with the grating patriotiſm of the PRINTER of the NEWARK HERALD.—Here, without violating the rules of chriſtian charity, without doing the leaſt injuſtice to their *principles*, their views, and their endeavours, is the preciſe point at which they wiſh to arrive. It is not for the ſupport of the Conſtitution that they are aſſociated ; it is not to guard the rights of the people, and counteract the "ſpecious pretences of republicans and levellers," that they have united themſelves together ;—no ;—it is to aid the expiring cauſe of corruption ; to impede the progreſs of free inquiry ; to retard the advancement of political knowledge ; to deſtroy the Liberty of the Preſs in their neighbourhood ; and to vilify the character, and ruin the intereſt of the poor, obnoxious Printer of the Newark Herald. Theſe are the *praiſe-worthy*, the *virtuous* objects which they have ſo laudably aſſociated to obtain ; but alas ! their efforts have hitherto been ineffectual. They have done me the honor to hold me up to an indignant people, as a perſecuted and ſingular object of miniſterial vengeance, it is true ; but my principles and my ſentiments are ſtill the ſame ; my *reaſon* is ſtill unconvinced ; my deſire to ſee a reformation, remains ſtill unſubdued ; my NEWSPAPER, (for that is the *real object* at which all the artillery of perſecution has been directed,) is ſtill vigorouſly alive ; my buſineſs, thro' the kindneſs of the public, ſtill flouriſhes ; and I have the pleaſing ſatisfaction of informing theſe worthy gentlemen, that their favorite object, *my ruin*, is ſtill as far off as ever.

Nothing can be more odious and tyrannical, or more deſerving of public reprehenſion, than the officious interference of one tradeſman in the buſineſs of another ; and yet, wherever the loyal attention of all theſe *place and*

penſion clubs has been directed, it has been the caſe. All the numerous Aſſociations have been compoſed, for the moſt part, of *intereſted men*, and *weak, ignorant, time-ſerving, dependent tradeſmen*. What would ſome of theſe politicians have ſaid, or done, had I been impudent or fooliſh enough to have addreſſed a letter to them, in the form of *reſolutions*, commanding them as *tallow-chandlers*, not to ſell *candles*;—as *grocers*, not to ſell *ſugar* and *plumbs*;—as *ropers*, not to ſell *halters*;—as *apothecaries*, not to *tamper* with their *patients*;—or as *attornies*, not to *fleece the pockets of their clients*.—I ſuppoſe they would have treated ſuch letter with deſerved contempt and indignation, eſpecially the laſt mentioned claſs of *alarmiſts*. And yet, behold, aſſociated *Ropers, Grocers, &c. &c.* have had the *modeſt* aſſurance to interfere in the internal management of my buſineſs, and have exerted themſelves to prevent me ſubſiſting by my own profeſſion!! "This was a bold ſtroke, and ſtruck like men!"—Not *one pound*; no; not even one poor *half ounce* of ſedition would theſe loyal men permit to be caſt into the trough of the "ſwiniſh multitude!" To ſee *ſuch men*, ſo engaged, is moſt truly and laughably ridiculous:

"Let thoſe laugh now who never laugh'd before;
"And thoſe who always laugh'd, now laugh the more."

Acting in the well aſſumed and ridiculous capacity, of *literary purveyors* for the public; it is not difficult to foreſee, from the books the Aſſociation have already recommended to the *ſerious* peruſal of their fellow citizens, what publications I ſhould have been permitted to ſell. The "ſwiniſh multitude" unqueſtionably would have made a moſt rapid progreſs in the ſcience of legiſlation, by carefully ſtudying thoſe works which came ſanctioned by the weight of ſuch a body, poſſeſſing ſuch aſtoniſhing

political knowledge and such transcendant abilities! By reading those truly excellent productions on the science of Government; entitled "A *few plain Questions;*" "*Thomas Bull to his Brother John;*" "*Two-pennyworth of Truth for a penny;*" * *&c. &c. &c.* the minds of the lower classes would have been most surprisingly enlightened, perhaps to such a superlative degree, that, in their laudable zeal for Church and King, they would have deemed it highly meritorious to *cut the throats* † of their unfortunate neighbours who had the *audacity* to differ from them either in religion or politics!

Had the Association been influenced by a love of public justice alone, independent of all *party* and all *personal* considerations; their end would have been more generally, more effectually, and more justly answered, had they applied for a prosecution against the *author* or the *primary publisher* of the "*Address to the Addressers.*" A verdict obtained against either, would have completely prevented all

* Pamphlets printed and dispersed by the different Associations.—In one of these loyal productions it is asserted, that it signifies little by whom or by what means Parliaments are chosen!!! As I write this in Prison, at a distance from my books, I cannot precisely point out the name of the pamphlet which contains this libellous, unconstitutional assertion; but, if my memory serves me aright, the reader will find it, in "*A few plain Questions,*" with a multitude of political doctrines of the same kind.

† In one of the above mentioned pamphlets this abominable, detestable doctrine was really inculcated!—In the last Session of Parliament, a motion was made to prosecute the authors, &c.——See Parliamentary debates.—The manifest tendency of this constitutional pamphlet, was to excite the people to re-act the Birmingham Tragedy, and exterminate the Dissenters! It *unluckily* did not succeed!!—It is something remarkable, that at the very time I am glancing at the past conduct of these "*Holy men of Birmingham;*" these "Friends and Fellow Churchmen," are actually rioting afresh, and now *anxiously* endeavouring to destroy the property of each other!—See *Morning Chronicle*, October 25, 1793.

further ſale of the work. This was the caſe with the verdict obtained againſt the "*Rights of Man*," The ſale was immediately ſtopped. There would have been no neceſſity for proſecuting Bookſellers in the country, had this ſtep been taken with the "*Addreſs to the Addreſſers.*" Neither was there any juſtice in the proſecutions commenced againſt the country Bookſellers, as the pamphlet had not then been legally pronounced a Libel, conſequently they could not be guilty in ſelling a publication that was not then deemed criminal!—Surely in the eye of common ſenſe and common juſtice, this ought to have been done. But this impartial, manly, and liberal mode of procedure was not the intereſt, or conſiſtent with the *private* objects of the Aſſociation to adopt. Leaving the care of the metropolis to their worthy and *diſintereſted** coadjutor, MR. CHAIRMAN REEVES, it was their duty to watch the growth of provincial ſedition, to nip in the bud the firſt appearance of anarchy and confuſion, and ſtrangle in their birth the well-founded complaints of the "ſwiniſh multitude." To accompliſh objects like theſe, and with a view to exterminate at one blow all means of future *alarm* and *reformation*; and ſilence that *ſeditious* organ of popular *deluſion*, the NEWARK HERALD, they fixed their choice on me to be the devoted victim on their altar of deſpotiſm, as a ſacrifice to conciliate the affections of thoſe beneficent men, from whoſe kindly influence they expected to receive ſome of the "good things of this world." Eager to cruſh their obnoxious antagoniſt, and deſirous to prove themſelves worthy of their *patrons*, no time was loſt in procuring an Information againſt me. Accordingly I was ſoon honored with the notice of the Attorney General, *ex officio*, for publiſhing PAINE'S "*Addreſs to the Addreſſers*," before it

* This *loyal* Gentleman only enjoys Places and Penſions under Government to the trifling amount of *ſome thouſand pounds*, per Annum !!!

had been pronounced a Libel in London, or even the Author or primary publiſher proſecuted for it ! ! !

When I firſt received notice of the information being filed againſt me for this *offence*, I could ſcarcely perſuade myſelf that a *ſerious* proſecution was intended, as I certainly could not look upon that as a *crime*, which almoſt every Bookſeller in the nation was then in the daily and hourly habit of doing in the way of buſineſs, and which had not then been declared in the leaſt illegal. Every man of common ſenſe would have drawn the ſame concluſion, but I *now* know that the dictates of common ſenſe, and the verdicts of Jurymen, are ſometimes two very different things. I had always ſuppoſed, that any publication which was deemed innocent in London, could not poſſibly be found criminal in the country. It ſeems I have been miſtaken. The different latitudes of places I find, makes a wonderful difference in the nature of Libels and ſedition. Yet, notwithſtanding all this latitudinal logic, I cannot forbear thinking, that to travel one hundred and twenty-four miles from London, to puniſh a Bookſeller in the country, for ſelling what was then ſold in London with impunity, in the face of day, and under the noſe of the Attorney General; is a very new, and a very ſingular method of enforcing the laws; of "adminiſtring equal juſtice to the pooreſt and the proudeſt," and of giving ſupport to our moſt excellent Conſtitution!

This work of proſecution would have had more the appearance of juſtice and impartiality, had *every* Bookſeller been proſecuted who had ſold the popular but obnoxious writings of THOMAS PAINE. Had this been the caſe, I imagine not fifty would have eſcaped, as it is well known to every man in the trade, they were univerſally ſold, in a greater or leſs degree, by every Bookſeller in

the nation. Why they were not all profecuted, is not for me to ſay. Want of evidence could not poſſibly be the occaſion of it, as the Attorney General declared in the Houſe of Commons, ſeveral months ago, that he had then filed *two hundred informations*, and behold ſcarcely a dozen have yet been brought to trial!!!

The Aſſociators have frequently told us, my Fellow Townſmen, that they are the friends of juſtice, and the ſupporters of religion. I will relate the following anecdote, and then leave you to form your opinions of the *purity* of their religious and political principles.—The ſame day on which I ſold the "*Addreſs to the Addreſſers*," a *Clergyman*, a member of the Aſſociation, and eager of promotion no doubt, came into my ſhop, and expreſſed a ſtrong wiſh to purchaſe a copy of the "*Rights of Man*." though the book had then been adjudged a Libel. This was told him, and alſo that it was not to be ſold. Notwithſtanding this, his deſire to procure it was ſo urgent, that he offered any ſum of money to obtain it! but the book was not to be ſold.—Had he obtained the book, I am perſuaded, from ſeveral concurring circumſtances, he would immediately have informed againſt me for gratifying his wiſhes.—Was the conduct of this *reverend* gentleman, this friend to Church and King, conſiſtent with his declaration as an aſſociator, that he would "do all in his power to *diſcountenance* and *prevent* the ſale of ſeditious publications"? Or was it conſiſtent with his principles, as a *Clergyman*, "*to tempt men to do evil?*" Was it a meek and brotherly ſpirit that induced him to endeavour to enſnare me, that he might have had an opportunity, if poſſible, of accompliſhing my ruin? Was this the ſpirit of the Goſpel?—No! It was the ſpirit of *tythes*, of *pluralities*, of *meanneſs*, *wickedneſs*, and *malice*. It was "*a troubled ſpirit that*

prevailed not." Did he judge of my principles by his own, in ſuppoſing that a *bribe* would tempt me to act illegally? Certainly he could not wiſh me to do an act, which he would be aſhamed to commit himſelf. The conſequence of this *well intended* application, was a compliment to my integrity, and perhaps a bar to this reverend Aſſociator's immediate preferment.—Had he been ſucceſsful, who knows but he might have been rewarded with a *Deanery* or a *Biſhoprick*?

At the ſame time that I received notice of an Information being filed againſt me for ſelling the "*Addreſs to the Addreſſers*," I alſo received notice of another Information being filed againſt me, for *reprinting* "*An Addreſs to the Inhabitants of Leeds, Sheffield, Birmingham, Mancheſter, and other unrepreſented Towns, on a Parliamentary Reform*," which was *firſt printed* in the year 1782. As this caſe is of the greateſt magnitude and importance to Printers, and the public in general;—as it is likely to operate, if followed up, as a total annihilation of the Liberty of the Preſs; and as it has been attended with circumſtances ſo peculiarly oppreſſive to me, I beg your indulgence, whilſt I relate the particulars of this ſingular proſecution, pretty much at large.

In the year 1782, meetings were held and Societies formed in moſt of the "Counties and Cities," in the Kingdom, for the expreſs and avowed purpoſe of obtaining a "Parliamentary Reformation."* From theſe ſeveral Societies delegates were appointed, who aſſembled in London, at the Thatched Houſe Tavern.* The Delegates thus aſſembled conſiſted of moſt of the firſt characters of the age.

Thatched Houſe Tavern, May 16, 1782.

* AT a numerous and reſpectable Meeting of Members of Parliament, friendly to a Conſtitutional Reformation, and of Members of ſeveral

To promote the objects of the different societies, several pamphlets and papers were written and distributed amongst the people, and also advertised in the public prints of the day. Amongst the rest of these productions, was the paper for which I have been prosecuted, and which was advertised at the time of its first publication in all the newspapers. Before these papers were given to

Committees of Counties and Cities,

PRESENT,

The Duke of Richmond,	*The Hon. William Pitt,*
Lord Surry,	*The Rev. Mr. Wyvill,*
Lord Mahon,	*Major Cartwright,*
The Lord Mayor,	*Mr. John Horne Tooke,*
Sir Watkin Lewes,	*Mr. Alderman Wilkes,*
Mr. Duncombe,	*Doctor Jebb,*
Sir C. Wray,	*Mr. Churchill,*
Mr. B. Hollis,	*Mr. Frost.*
Mr. Withers,	*&c. &c. &c.*

"Resolved unanimously,

"That the Motion of the Hon. WILLIAM PITT, on the 7th instant, for the appointment of a Committee of the House of Commons to enquire into the state of the Representation of the People of Great Britain, and to report the same to the House, and also what steps it might be necessary to take, having been defeated by a motion for the order of the day, it is become indispensibly necessary that application should be made to Parliament by petitions from the collective body of the people, in their respective districts requesting a substantial reformation of the Commons House of Parliament.

"Resolved unanimously,

"That this Meeting, considering that a general application by the collective body of the people to the House of Commons cannot be made before the close of the present Session, is of opinion that *the sense of the people should be taken at such time as may be convenient during this Summer, in order to lay their several Petitions before Parliament early in the next Session, when their proposals for a Parliamentary Reformation (without which neither the Liberty of the Nation can be preserved, nor the permanence of a wise and virtuous Administration can be secure) may receive that ample and mature discussion, which so momentous a question demands.*"

the public, I believe they were uniformly examined and approved by the Committee, which then conſiſted of the following perſons :

Duke of Richmond.	Mr. J, Horne Tooke.
Lord Surrey, (*now Duke of Norfolk*)	Hon. William Pitt
Lord Mahon (*now Earl Stanhope*)	Rev. Mr. Wyvill.
Sir Cecil Wray.	Major Cartwright.
	Mr, Ald. Wilkes.
	Mr. Froſt, &c. &c. &c.

You will pleaſe to recollect, that laſt year (1792) ſimilar Societies, for ſimilar purpoſes were formed in various parts of England. Several of theſe Societies had *reprinted, without the leaſt alteration,* the paper in queſtion. It had alſo found its way into that valuable, and ſpirited publication, the " PATRIOT." In the month of December 1792, the NOTTINGHAM POLITICAL SOCIETY, (who had previouſly done me the honor to appoint me their Printer) ſent me an order to print an impreſſion from the copy then ſent, and which copy had been very recently reprinted by the Political Society at Sheffield. When this paper firſt came into my hands for the above purpoſe, I did not heſitate a moment in committing it to the preſs, knowing it to have originally come from the Society at the Thatched Houſe Tavern, in the year 1782, of which MR. PITT, the *preſent prime miniſter of England,* the Duke of Richmond, now *Maſter General of the Ordnance,* &c. &c. were members; under the ſanction of ſuch high and reſpectable authority, *I then ſuppoſed,* it would have been downright madneſs in me to have refuſed to print it, or even to have entertained a momentary doubt upon the ſafety of the meaſure. I am perſuaded there is not a Printer in England who would not have done the ſame. But I *now* know that what was right and innocent,

nay even highly laudable in the year 1782, may *not* be equally ſo ten years afterwards. In fact, I am at this very inſtant experiencing an impriſonment of TWO YEARS, for printing a LIBEL which *originally* came out under the ſanction, and with the public approbation of Mr. PITT. That this *unfortunate* paper, after ranging thro' the nation in a variety of forms, for TEN YEARS, with impunity; after having been reprinted by the Political Society at Sheffield, again in the "PATRIOT," and by various other Societies, ſhould at laſt be proſecuted as a Libel, iſſuing from my preſs, in the year 1792, is an inſtance ſo ſingularly oppreſſive, as not eaſily to be paralleled in the whole hiſtory of *political perſecution.*

In the month of July laſt, the Aſſizes were held at Nottingham, where, as a matter of courſe, my two proſecutions came on for trial, and, as another matter of courſe too, before a *Special Jury.** The information for ſelling

* As the nature of forming SPECIAL JURIES is not generally underſtood, at leaſt in the Country, I ſhall make no apology for introducing the following curious and intereſting account of the manner in which they are ſelected, to the notice of my readers.—It is taken from the trial of JOHN HORNE TOOKE, Eſq. for a Libel, in the year 1777.

"The ſpecial Jury, ſays Mr. TOOKE, you may imagine are taken indifferently, and, as it may happen, from a book containing all the names of thoſe who are liable to ſerve; I thought ſo when I read the Act of Parliament appointing the manner in which they ſhould be taken: But when I came to attend to ſtrike the ſpecial Jury, a book with names was produced by the Sheriff's Officer; I made what I thought an unexceptionable propoſal. I deſired the Maſter of the Crown Office, (whom I do entirely acquit, and do not mean the ſlighteſt charge upon) I deſired the Maſter of the Crown Office, that he would be pleaſed to take that book, open it where he would, begin where he would, at the top or at the bottom, and only take the firſt forty-eight names that came. I ſaid I hoped that to ſuch a propoſal the Solicitor of the Treaſury could have nothing to object. I was miſtaken, he had ſomething to object; he thought that

the "*Addreſs to the Addreſſers*," was firſt tried. In the courſe of this trial, it inconteſtibly appeared, that this

not a fair way, (turning round to the Attorney General) there were Witneſſes enough preſent, and I ſhould ſurely be aſhamed to miſrepreſent what eight or nine people were preſent at; he thought that not a fair way: he thought and propoſed as the faireſt way, that two ſhould be taken out of every leaf; that I objected to, I called that picking and not ſtriking the Jury. To what end or purpoſe does the law permit the parties to attend, if two are to be taken by the Maſter of the Crown Office out of every leaf? Why then need I attend? two may as well be picked in my abſence, as in my preſence; I objected to that method; the Maſter of the Crown Office did not ſeem to think that I had propoſed any thing unreaſonable: he began to take the names, but objected that he could not take the firſt forty-eight that came becauſe they were not all Special Jury-men; and that the names of common and ſpecial Jury-men were mixed together; and that it would be a hard caſe that the party ſhould pay the expence of a Special Jury, and not have one; that they were expected to be perſons of a ſuperior rank to common Jury-men: I could have no objection to that, provided they were indifferently taken. I ſaid, take them the firſt forty-eight Special Jury-men that come; he ſeemed to me that he meant to do it; he began, but as I looked over the book, I deſired him to inform me how I ſhould know whether he did take the firſt forty-eight Special Jury-men that came, or not; and what mark, or deſcription, or qualification there was in the book, to diſtinguiſh a ſpecial from a common Jury-man? he told me, to my great ſurpriſe (and he ſaid, he ſuppoſed I ſhould wonder at it) that there was no rule by which he took them. Why then how can I judge? you muſt go by ſome method, what is your method? At laſt the method was this, that when he came to a man, a Woollen-Draper, a Silver Smith, a Merchant (if Merchant was oppoſite to his name of courſe he was a ſpecial Jury-man,) but a Woollen-Draper, a Silver-Smith, &c. he ſaid that they were perſons who were working Men of thoſe Trades, and there were others in a ſituation of life fit to be taken. How then did he diſtinguiſh? no otherwiſe than this: If he perſonally knew them to be men in reputable circumſtances, he ſaid he took them if he did not know them he paſſed them by, Now Gentlemen, what follows from this?

But this is not all. The Sheriff's Officer ſtands by, the Solicitor of the Treaſury, his Clerk, and ſo forth, and whilſt the names are taken, if a name (for they know their diſtinction) if a name which they do not like, occurs and turns up, the Sheriffs Officer ſays, "O, Sir, he is dead." The Defendant, who does not know all the world, and cannot know all the

pamphlet was publiſhed by me long before it was proved to be a Libel in any court of judicature, and ſold merely

names in that book, does not deſire a dead man for his Jury-man. "Sir that man has retired," "That man does not any longer live where he did." "Sir, that man is too old." "Sir this man has failed and become a Bankrupt."—"Sir, this man will not attend." O (it is ſaid very reaſonably) "Let us have men that will attend, otherwiſe the purpoſes of a Special Jury is defeated." It ſeemed very extraordinary to me, I wrote down the names, and two of them which the officer objected to, I ſaved. "I begged them not to kill men thus without remorſe, as they have done in America, merely becauſe he underſtood them to be friends to Liberty, that it is very true, we ſhall ſee them alive again next week, and happy, but let them be alive to this cauſe." The firſt name I took notice of was Mr. SAINSBURY, a Tobacconiſt on Ludgate Hill. The Sheriffs Officer ſaid, he had been dead ſeven months; that ſtruck me. I am a ſnuff taker, and buy my ſnuff at his ſhop, therefore I knew Mr. Sainſbury was not ſo long dead: I aſked him ſtrictly, if he was ſure Mr. Sainſbury was dead, and how long he had been dead. "Six or ſeven months." "Why I read his name to day, he muſt then be dead within a day or two. For I ſaw in the Newſpapers that Mr. Sainſbury was appointed by the city of London, one of the Committee," (it happened to be the very ſame day) "to receive the toll of the Thames Navigation." and as the City of London does not often appoint dead men for theſe purpoſes, I concluded that the Sheriff's Officer was miſtaken, and Mr. Sainſbury was permitted to be put down amongſt you, Gentlemen, appointed for this ſpecial Jury.

Another Gentleman was Mr. TERRIT, the book ſaid he lived, I think, in Puddle Dock, the Sheriff's Officer ſaid "that Gentleman was retired, he was gone into the country, he did not live in town." It is true, he does (I am told) frequently go into the country, (for I enquired) His name was likewiſe admitted with ſome ſtruggle. Now what followed? This dead man, and this retired man were both ſtruck out by the Soliciter of the Treaſury, the very men whom the Sheriff's Officer had killed and ſent into the country were ſtruck out, and not admitted to be of the Jury. Now Gentlemen, what does that look like? There were many other names of Men that were dead and had retired, which were left out.

There is ſomething more unfortunate in the caſe of a ſpecial Jury. The Special Jury-men if they fail to attend that Trial for which they are appointed, are never cenſured, fined, nor puniſhed by the Judge; in the trial of one of the printers, only four of the Special Jury attended. This is

in the regular *routine* of my buſineſs; no proof being brought of any intention to circulate it in particular, more

kind in the chief Juſtice, but it has a very unkind conſequence to the Defendant, eſpecially in a Trial of this nature; for I will tell you what the conſequence is.—The beſt men and the worſt men are ſure to attend upon a ſpecial Jury where the Crown is concerned; the beſt men from a nice ſenſe of their Duty; the worſt men from a ſenſe of their intereſt. The beſt men are known by the Solicitor of the Treaſury; ſuch an one cannot be in above one or two verdicts; he tries no more cauſes for the Crown. There is a good ſort of man, who is indeed the moſt proper to try all this kind of cauſes; an impartial moderate, prudent man, who meddles with no opinions: that man will not attend, for why ſhould he get into a ſcrape. He need not attend; he is ſure not to be cenſured, why ſhould he attend? The conſequence follows that frequently only four or five men attend, and thoſe ſuch as particularly ought not to attend in a Crown cauſe. I do not ſay that it happens now, not that I care; I do not mean to coax you, Gentlemen, I have nothing to fear, you have more to fear in the Verdict than I have, becauſe your conſciences are at ſtake in the Verdict. I will do my duty not for the ſake of the verdict. Now what follows this permiſſion to Special Jury-men to attend or not, as they like beſt? Why every man that is gaping for a contract, or who has one, is ſure to ſhew his eagerneſs and zeal.

It happened ſo in the trial of the firſt cauſe for this advertiſement. The Printer ſhewed me the liſt, among them one of the firſt I obſerved, was Sir James Eſdaile, Alderman of London, and a Contractor for the Army (there were ſeveral others; I do not mention the gentlemen's names) He would have ſtruck him out, I ſaid no, there are ſo many bad that ought to be ſtruck out, leave in Sir James; it is impoſſible that a magiſtrate of London! with ſo much buſineſs! a Contractor under the Crown! if he has any modeſty! he cannot, an Alderman of London! go down to be Special Jury-man in Middleſex! he was the Foreman of the Jury. He was ſure to attend. And ſo they got the firſt Verdict, in order to give them this influence upon men's minds.——"We have got a verdict, this queſtion has been determined by a Jury,"

Well, Gentlemen, having then got ſuch a ſpecial Jury as he uſually does get (for it ſeldom happens that twelve Gentlemen have ſenſe enough of their duty to attend, as happens to be now my caſe) the Attorney General brings on the trial; he then claims amongſt other things, a right to reply, though no evidence is called for the Defendant.

But beſides this, I told you before, that he claims a right of ſtopping it, when he pleaſes, by with-drawing a Juror. I ſhould be glad to hear that

than other new publications of any deſcription whatever. One of the witneſſes (Mr. S. HUNTER*) produced on the part of the proſecution, proved, that in a converſation† he had with me on the ſubject of libellous publications, previous to the ſale of the pamphlet in queſtion, I informed him, that I had taken out of my ſhop all ſuch of PAINE's works as had *then* been declared Libels, and that I intended not to vend any more of *them;* nor would I, on any account, ſell a Libel, *knowing it to be one.*—After a *trial* of five hours, in which my Counſel, Meſſrs. DAYRELL and CLARKE, did all that great abilities like theirs could do in ſuch a *ſituation*, the *Special Jury* withdrew, taking the pamphlet with them, and returned in about half an hour with a verdict of—GUILTY! ——The Trial for

contradicted and given up.

But further, if he loſes the Verdict, he pays no coſts; the Crown pays no coſts. The miſerable man that is harraſſed, even though innocent, though gaining a Verdict under all theſe diſadvantages (if it is poſſible and which ſeldom happens) yet ſtill he muſt ſtand by his coſts, and they may be, you ſee, whatever they pleaſe to make them.

Again, if the Attorney General gains a verdict, he puniſhes whom he pleaſes, and when he pleaſes. I think there were eight convictions for this advertiſement, yet but three have been called up to judgment, one, I think was let off becauſe there was a little falſe ſwearing in the caſe, by an officer under the Crown.—(I allow it certainly to have been a miſtake, becauſe he is a gentleman of character) and therefore it is accounted for how this one got off, but how the other Printers eſcaped, whether from the benevolence of the Attorney General, I do not know.

That is not all.—He aggravates the puniſhment of the perſon againſt whom he gets a Verdict, if he pleaſes."

* It is with real pleaſure, I embrace this opportunity of returning my public thanks to this Gentleman for his open, candid, and manly evidence on the trial.—I wiſh I could ſpeak of another *reſpectable*, but *officious* gentleman in the ſame manner.

† This converſation has already been laid before the reader in the former part of this pamphlet.

reprinting and publiſhing the following* "*Addreſs,*" next came on, before another Special Jury.

ADDRESS

TO THE INHABITANTS OF

LEEDS, SHEFFIELD, BIRMINGHAM, MANCHESTER,

AND OTHER UNREPRESENTED TOWNS,

ON A

Parliamentary Reform.

"FRIENDS AND COUNTRYMEN,

"PERMIT me, with the affection that every man ought to bear towards his fellow citizens, and with the anxiety that every citizen ought to feel for his country, to ſubmit to your conſideration the following reaſons, why, in my humble opinion, the Reform of Parliament, now in agitation, ought not to be regarded by you with indifference:

"1. Being ſubject to the legiſlation of perſons whom *other men have placed over you*, it is evident that you are denied that which is the birthright of every Engliſhman, and without which he is not a free man, viz. a ſhare in the making of thoſe laws which have power over your properties, your families, your lives, and liberties.

"2. Being very deeply intereſted in trade, not only at home, but in all parts of the world, you ought to have in parliament deputies well informed on the ſubject of commerce in all its branches, but more particularly acquainted with that which you in an eſpecial manner commit to their guardianſhip, as your immediate repreſentatives. It is not otherwiſe poſſible that your intereſts ſhould be properly attended to.

"3. Should you not join the public ſpirited towns and counties who may petition for a reform in the national repreſentation, there is reaſon to apprehend that it will be but very imperfectly amended. And if the amendment fall any thing ſhort of making Parliament *independent* of the

* The 6th, 7th, 8th, 19th, and 20th, articles in this Paper, are put in Italics, they being the parts which were deemed libellous by the Attorney General.——The only alteration in this paper from the original copy, was merely the title; *that* for which I was proſecuted, being addreſſed to the Inhabitants, &c. "of Newark."

Crown, perhaps the only difference we may find, may be, that it may henceforth coſt the nation more to purchaſe majorities for the Miniſters than it has hitherto done; for, if corruption, inſtead of being made impoſſible, be only rendered *ſomewhat more troubleſome*, the additional trouble as well as the additional value of votes, muſt be paid for.

" 4 It is a truth known to you all, that a country which once loſes its liberty, muſt ſhortly loſe its trade alſo. Thus, on commercial principles themſelves, you are bound to contribute your ſhare towards the reform of Parliament, although it ſhould be attended with ſome coſt and labor. The fruits of your induſtry will prove to your children but a poor inheritance, if not accompanied with freedom.

" 5. So long as a *majority* of the Houſe of Commons ſhall continue to be appointed by a number of borough electors, not exceeding *ſeven thouſand*, as now is the caſe; ſo long will bribery govern borough elections, corruption be the characteriſtic of Parliament, and an oppreſſive taxation be the lot of the people.

" 6. *If the preſent inequality of repreſentation and length of Parliaments be the cauſe of parliamentary corruption, as they undoubtedly are, we muſt remove the cauſes before the effect will ceaſe.*

" 7. *By a* corrupt *Parliament it is meant, that which, inſtead of being a ſhield againſt unneceſſary taxation, is the* hired inſtrument *whereby the nation is pillaged; ——that which, inſtead of proving a check upon the Crown, when diſpoſed to engage in unneceſſary and ruinous wars, is the* bribed tool *by which the nation was firſt gulled into an approbation of war, and afterwards drained of its blood and treaſures to carry it on:——and again, uniform experience teaches us, that whenever Parliaments are under an undue influence from the Crown, they are ever ready to betray the moſt ſacred rights of the people. Suffice it at preſent to recal to your recollection a few inſtances only. In the reign of Henry VIII. Parliament enacted, that the King's proclamation ſhould have the force of law; in the reign of William III. they made a precedent for ſuſpending by ſtatute the benefits of the* habeas corpus; *and it has ſince been ſeveral times practiſed: in the reign of George I. by means of the ſtatute, vulgarly called* the riot act, *all the conſtitutional means of giving ſupport to the civil magiſtrate were ſupplanted in favor of the practice of calling out the* ſtanding army. *That government which cannot preſerve its authority without* ſuch *an inſtrument, deſerves not the name of government; and that country, in which it is an ordinary practice to ſupport the execution of its laws by a ſtanding army,* is not a free country. *But the deadlieſt wounds that freedom ever received from Parliament, were thoſe which have been given it by* the diſfranchiſing ſtatute of Henry VI. the triennial act of William III. and the ſeptennial act of George I. *for by the*

joint operation of thoſe three ſtatutes, *the very foundations of the conſtitution are removed.* Thoſe *ſtatutes not only defraud the nation of ſix parts in ſeven, both of its election and its repreſentation, but they have effectually vitiated the remaining ſeventh.*

"8. *Parliaments choſen as they now are, and continuing for ſeven years as they now do, will ever be compoſed, for the moſt part, of a few factions, under the guidance of particular Noblemen, perpetually contending for the power and emoluments of office. The common-ſoldiery of theſe ſeveral factions, like that of all other ſtanding armies, is made up of mercenaries from the moſt idle and proſtigate orders of the community. Who ſo idle, as men of pleaſure, and the vicious part of our nobility and gentry? Who ſo proſtigate, as murdering nabobs, proſtitute lawyers, and unprincipled adventurers, who, through the iniquity of corrupt elections, make their way into parliament, and there let out their tongues and their votes for hire?*

"9. Parliaments choſen as they ought to be, that is, by the whole nation in juſt proportion, and continuing as they ought to do, for one ſeſſion only, muſt of courſe (as corruption without doors would then be *impoſſible*) conſiſt of men moſt eminent for virtue and wiſdom from every part of the kingdom. Every diſtrict, and every town (freed from an undue influence by the *multitude* of its electors) would undoubtedly appoint for its parliamentary repreſentative, or attorney, the perſon beſt acquainted with its intereſts, and beſt qualified to promote them. Theſe repreſentatives, feeling that dependence on their employers which an annual election would enſure, and carrying with them into Parliament characters of value, would be doubly guarded againſt falling into temptation; beſides their virtue would be farther ſecured from this important conſideration, that, as no Miniſter in his ſenſes would eſteem it practicable to bribe a *majority* of ſuch a Parliament, it follows, that bribing *individuals* could be of no uſe to him.

"10. But ſuch a Parliament cannot be had unleſs we will revert to the firſt principles of our conſtitution, which we have ſo ſhamefully abandoned. Since electing a Parliament is our only ſecurity againſt an arbitrary power in the crown, *election* itſelf muſt be not only the common right, but the common *duty* of all the people.

"11. The only plauſible objection which is held forth, in order to diſcourage the *manufacturing* towns from demanding repreſentation, namely, *the loſs of time amongſt the workmen that would be occaſioned by elections*, is an idle bugbear.

"12. All the idleneſs and vice of modern elections in this country are the conſequences of that very inequality of repreſentation, and that long duration of Parliament, of which we complain. While all but the *villains*

of former times, that is, while *all free-ſubjects* had their votes, and Parliaments were choſen ſometimes twice and ſometimes thrice in a year, tumult and debauchery at elections were unknown; and there were not above *two or three* caſes of falſe returns or diſputed elections in the courſe of *two hundred and ſeventeen years*, as ſtands proved by authentic records in the Tower. In a *ſingle Parliament* of the preſent reign, the trials upon conteſted elections fill *five large volumes*; and the profligacy ſo frequently attending the choice of members is a reproach to our age and nation.—*Is it not time then to reſtore a repreſentation of all, and parliaments of a ſingle ſeſſion; ſince they alone can enſure us peaceable and virtuous elections?*

"13. Prevent the temptation to the evil you dread, and the evil itſelf will be prevented: this is a law of nature. If pariſh officers, if common council men of London, and mayors of corporations, if committees for all ſorts of buſineſs, if, in ſhort, deputies of any other deſcription, can be annually or more frequently elected, without any evil conſequences, is it not an inſult to common ſenſe to tell us, that deputies for tranſacting our parliamentary buſineſs may not be elected alſo?——Prevent, I ſay, the *temptation* to the evil you dread, and the evil itſelf will be prevented. The temptation to the candidate——is the hopes of a place, a title, or what elſe he can get from the miniſter; the temptation to the borough elector——is the candidate's treat and bribe.——*As elections of all, and ſeſſional Parliaments*, would cut up by the roots this commerce of corruption, ſo they would enſure you elections as peaceable and orderly, as your weekly meetings at divine ſervice, or in your markets. Thus, that glorious word, *election*, which is not to be found in the dictionary of any enſlaved nation, would be reſtored amongſt us to its plain and honeſt ſignification: carrying with it no other idea, than that of a *free choice of freemen, for their own benefit and happineſs.*

"14. But if we cannot believe hiſtory, nor place confidence in records themſelves, let us, at leaſt, truſt our own ſenſes, and obſerve what is the conduct of our ſober and ſagacious brethren of America. If repreſentation be of no uſe to a trading people, and if elections are nuiſances, why have the citizens of Philadelphia, Boſton, and all America, ſecured to themſelves, by their new conſtitution, an *equal repreſentation* and *annual elections*, as the very eſſence of that conſtitution which they inherit in common with ourſelves, and as that without which they knew they ſhould not be a free people?

"15. If you think to enjoy the benefits of repreſentation through perſons *choſen by other men*, and over whoſe diſmiſſion you have no power, you much deceive yourſelves. Suppoſing a merchant had not the choice

of his own clerks, nor workmen, nor houſhold ſervants, but they were to be appointed for him by the exciſeman, or by ſome neighbouring Lord who had an intereſt in ſo doing; and if, when ſo appointed, he could not get rid of them in leſs than ſeven years, let their idleneſs, extravagance, and diſhoneſty be ever ſo glaring, and their inſolence ever ſo inſufferable, does it need the ſpirit of prophecy to foretel, that his name would ſoon be in the Gazette, proclaiming him a ruined and miſerable man? And is not that great merchant, the Nation, brought to the verge of bankruptcy by theſe very means?—A nation happy above others in the fertility of its ſoil, and the induſtry of its inhabitants; a nation which now poſſeſſes a diſtrict of India, equal to the whole kingdom of France, and until the other day poſſeſſed alſo a continent in America, is, nevertheleſs, I ſay, and by the means I have pointed out, nearly reduced to the condition of a bankrupt. In conſequence of loſing, through ſupineſs, the appointment of its own clerks, workmen, and ſervants, or in other words, its own Parliament, it is now indebted *two hundred and ſeventy millions of money*, and not only its lands, but *future induſtry*, is deeply mortgaged for the payment of the intereſt; whereas, had it conſtantly aſſerted its rights, it needed not at this day to have owed a ſhilling.

"16. As the intereſt upon theſe two hundred and ſeventy millions is juſt ſo much to be deducted from the national induſtry, and as nations leſs taxed may conſequently underſell us at foreign markets, the manufacturing towns of this kingdom are peculiarly and eminently intereſted in reſtoring purity to parliaments. They ought alſo to recollect, that if it be neglected an increaſe of debt, and conſequently an increaſe of taxes, muſt follow; for ſo long as the *cauſe* of extravagance remains, the *effect* will not ceaſe.

"17. Although it is granted, that if petty boroughs and ſeptennial Parliaments were ſtill to remain *in ſtatu quo*, and the only alteration to be obtained, were a mere election of *two* members for each manufacturing town, the general advantage therefrom would be trifling, and the new elections might perhaps be inconvenient; yet, *that is not what is propoſed*; nor would be the conſequence, if thoſe towns, *containing an immenſe proportion of the whole nation*, would properly exert themſelves. In conjunction with Surry, Middleſex, and the Metropolis, united in quintuple alliance, and the many other generous towns and counties which may petition, the vaſt weight of the manufacturing towns would no longer ſuffer our hopes and fears, our recovery or our total ruin, to hang in doubtful balance; but the ſterling gold of reformation would preponderate, and treachery and oppreſſion kick the beam.

"18. Take a ſketch of ſuch elections as are propoſed. It being found that the proportion of Engliſh electors to every repreſentative, according

to the preſent number in the Houſe of Commons, is about *three thouſand*; it follows, that each town ought to be divided into diſtricts of election, containing each about that number of male inhabitants, of twenty-one years of age. By the militia liſts alone this might be eaſily done. In towns where the whole number of electors for each diſtrict might inhabit one pariſh, there ought to be ten or twelve ſubdiviſions of them, ſo that not more than three hundred at moſt elect in one place. This would not only preſerve the peace, but enſure the completion of the election in one forenoon: it would alſo ſo facilitate the attendance, that no manufacturer or mechanic need loſe an hour's labour.

"19. *A moment's reflection will convince any candid man, that in ſuch elections annually repeated there could be no ſuch thing as bribery; and if a ballot were added, all undue influence of wealth or authority would be guarded againſt. Bribery and threats out of the queſtion, who could have an intereſt or temptation to promote any licentiouſneſs? It has already been ſhewn alſo that in Parliaments ſo elected, and ſo dependant on the eſteem and confidence, and power of the people, it would be as impoſſible for a miniſter to obtain ſupport* by *corruption, as now it is impoſſible to find ſupport* without *corruption.*

"20. *But a miniſter, it is ſaid, cannot carry on the buſineſs of the nation without* a majority. *This is held to be an axiom in politics. And ſo it is. No maxim is more true. But it is equally true, that, in Parliaments choſen as ours now are, that majority muſt be had by means of* faction and bribery; *in a reformed Parliament, it muſt be gained by* rectitude of meaſures alone.

"21. A reformation of Parliament would produce a total revolution in the condition of the miniſter. Inſtead of continuing to be an haughty lord and maſter of the nation, he would inſtantly become its ſervant, as the word *miniſter* imports;—Inſtead of having through a corrupt majority the purſe of the whole nation, at his mercy, he would find that it ſhould not yield him an extravagant or an unneceſſary ſhilling. Inſtead of creating jobs, offices, and contracts, and ſquandering millions of the public treaſure to gratify himſelf, his connections, his creatures and dependants, beſides the enormous bribery within the walls of Parliament, he muſt correct every waſteful expenditure, and transfuſe a ſpirit of œconomy through every department of the ſtate.——Inſtead of being in a condition to make inroads on the liberties of the people, or to make any thing law, by which he could ingratiate himſelf with royalty, or ſtrengthen his own hands againſt every oppoſition to his will, he muſt be content to act *within his own ſphere*, which is to *execute* the laws made by the concentrated wiſdom of the nation in Parliament aſſembled.

"22. In ſuch a Parliament as muſt be the conſequence of aſſerting our right to an equal repreſentation and annual elections, it would be as im-

practicable for any *faction* to displace an able and virtuous minister, as for a cabal of grooms and chambermaids, in a private family, to displace the steward, whose reputaion had been established for talents and integrity, and who acquitted himself to the satisfaction of his master. So long as the minister did the business of the nation to its satisfaction, the representatives of that nation, having no temptation to do otherwise, but an evident interest in supporting him, would support him accordingly. Nevertheless, the House of Commons would still be the political theatre for ambitious spirits to act their parts in; and it ought to be so. It is the proper school of politics; and whenever a great genius for government should arise, and could satisfy Parliament as to any considerable incapacity in the minister, and of his own superior talents, it would be the duty of Parliament to see the nation was served by the fittest person in the kingdom; and a change would take place as naturally, and as peaceably, as when a gentleman parts with one servant and takes another. Thus so far from annual elections preventing amongst foreign courts a confidence in our government, as some maintain, they would raise its reputation for wisdom, vigour, and permanency throughout the world: and by preserving *a perpetual harmony between the crown and the people*, and keeping always at the helm the person best able to guide it, the King of England would once more become the most powerful and glorious monarch on earth.

"23. Petition then, with one voice, my friends and countrymen, for that share in making your own laws to which, by the constitution and the laws of nature, you are entitled. Pursue the only course which can ever affect any considerable reduction of debts and of taxes, materially advance the interests of manufactures and commerce!——In short be Englishmen! be free, prosperous, and happy! And give your posterity, the same cause to revere *your* memories, as you have to bless *those progenitors* who left you an inheritance in a free constitution!"

Several witnesses were called by the Counsel for the Crown who proved the mere fact of publication. Amongst the rest of these neighbourly and friendly characters was Mr. BLAND *Surgeon*, and *Apothecary*, *Man-midwife*, and *Alderman*. This Gentleman ingenuously stated, that as he was riding past my printing office, sometime last January (1793) he saw a person sticking up a large bill on the opposite wall. On Mr. B's stopping to read it, some person from my office politely handed one over to him that he might peruse it

at his leiſure. *Who* this perſon was, Mr. B. could not ſay, but he recollected ſeeing at the ſame time, another perſon in the office, who wore a paper cap on his head, round which were the words "LIBERTY AND EQU." Either from the weakneſs of Mr. B's optic nerves, or the treachery of his memory, he unfortunately could not ſay what other letters finiſhed the alarming ſentence! Moſt probably it was ſome treaſon in *embryo!* Who knows, had the whole of this *important* inſcription been diſcovered, but it might have proved the key to that *dark* plot, which induced Mr. PITT, to call out the militia, and the DUKE of RICHMOND to fortify the *Tower!* What a pity it is that Mr. B. did not make a more complete diſcovery; as he might perhaps have ſaved the Metropolis of Great Britain, by the very ſame means as once ſaved the Capitol of Rome——"*the cackling of a* GOOSE!!"—After Mr. B's *ſagacious* evidence was cloſed, my leading counſel, Mr. DAYRELL, then addreſſed the Jury, in a very able, pointed, and energetic ſpeech, of conſiderable length; in which he expoſed with ſingular felicity, the various abuſes that had crept into the government; and very ſucceſsfully, and with great ability inſiſted on the right of every citizen to deliver his opinions on the form of government under which he lives, and dwelt with peculiar force and energy on the ſingular cruelty of proſecuting a man for REPRINTING, in the way of his buſineſs, a paper, ſanctioned by the firſt characters of the age, and ſubſcribed by the two firſt men in the preſent adminiſtration viz. Mr. PITT and the Duke of RICHMOND. He ſtated, that the paper in queſtion, had been printed in all the Newſpapers of the year 1782, and notoriouſly circulated throughout the kingdom for the ſpace of TEN YEARS; and that he then held in his hand the *original*

*copy** from which the preſent paper was printed, and that he ſhould call evidence to prove that it had been ſo printed, circulated, &c. &c. He then proceeded to call MAJOR CARTWRIGHT, who was one of the committee at the Thatched Houſe Tavern, in the year 1782, by whom this paper was firſt given to the public, but the counſel for the Crown objected to the MAJOR'S being called. Mr. DAYRELL ſtrenuouſly contended that he had a right to produce any evidence that would at all ſerve the cauſe of his client. To this it was anſwered, that if the Judge committed a miſtake in receiving the evidence, it could never be rectified or redreſſed; but if he did not receive the evidence, and it was afterwards diſcovered that he was wrong in ſo doing, a motion might be made for a new trial. The Counſel for the Crown further obſerved, that it did not in the leaſt ſignify if the paper in queſtion had been firſt printed in the year 1746 inſtead of 1782, and had never before been noticed by government; yet, if it was reprinted ſo many years after, and the inuendoes *would then apply to thoſe times*, † they certainly had a right to proſecute *whenever* and *whoſoever* they pleaſed!!!———Theſe objections on the part of the Crown were admitted, and of courſe no evidence *in my favor* was examined! After the ſumming up by the Judge, the Jury withdrew, taking the paper with them,

* The *manuſcript copy* of this paper is now in the hands of Mr. FROST who, I believe, is preparing it for the preſs, and which with ſome curious particulars concerning it, will be ſpeedily laid before the public.

† How inuendoes, printed in the year 1746, or 1782, could *intentionally* apply to circumſtances forty-ſeven, or ten years after, except by the ſpirit of prophecy, I am at a loſs to conceive!——If this doctrine is to prevail we may ſoon expect to ſee the BIBLE adjudged "a falſe, ſcandalous, wicked and ſeditious Libel" and SAMUEL proved to be a *Republican*; DAVID a *Jacobin*, and CHRIST a *Leveller!!!*

and returned in three quarters of an hour, with a verdict of—GUILTY ! ! !*

On these Verdicts, at present, I shall make no remarks, but hasten to inform you, that in consequence of them, I appeared in the Court of King's Bench, on Thursday, November the 20th, to receive judgment, when the following proceedings took place.

After the ATTORNEY GENERAL had moved for Judgment in the usual form,

Mr. JUSTICE GROSE read over the Report of the learned Judge on the trial of the first Information.

Mr. ERSKINE. My Lords, I am of Counsel for this Defendant, who has been found guilty on two Informations, and is now in Court ready to receive your Lordships' Judgment.—But I do not know that it may not be better to hear the learned Judge's Report on the second Information, that I may take them both together.

ATTORNEY GENERAL. It is indifferent to me whether the informations are taken together or not; but I hope your Lordships will pass a separate Judgment on each Information.

LORD KENYON. That is matter of course. We must pronounce distinct Judgments on each offence. Separate punishments certainly.

Mr. ERSKINE. I know that; but, my Lords, I conceive that it is competent to me to suggest such reasons

* I lament that I was disappointed of the assistance of a Short-hand Writer at these trials: but as the two cases were afterwards so ably and copiously re-argued in the Court of King's Bench, the omission is not so very material, as the Reader will find those proceedings reported at full length, when he comes to that part of the Pamphlet.

as occur, to ſhew that my Client has been illegally convicted, and that if your Lordſhips ſhould be of that opinion, he ought to have a new trial.

ATTORNEY GENERAL. My Lords, this is the firſt moment that I have heard it was the intention of my learned friend to move for a new trial. At the ſame time I would not wiſh to be underſtood that I meant to blame him, or to ſay that he has no right to it.—I confeſs I do not know, and I do not pretend to know, ſo much of the practice of this court as to ſay, whether or not an application for a new trial is now in time or not. Although I appear on behalf of the Crown, I do not wiſh to deprive a defendant of any of his rights. I do not wiſh by any means to ſhut out his application.

LORD KENYON. Mr. Erſkine; can you produce any precedent where a new trial was granted after the firſt four days of the Term after trial, except in a few excepted caſes, where the court itſelf interfered. I remember perfectly the caſe of the King and Gough is of that nature; as alſo the caſe of the King and Morris. And there is one inſtance or two more of the ſame kind, that may be mentioned. In the firſt of theſe caſes a queſtion aroſe, "Whether the Town-Hall of Glouceſter was within the county of the city, or within the county at large?" and the Court itſelf, on hearing the Report of the learned Judge read, were of opinion that it ought to go to a new trial; but that was the act of the court itſelf, without any application from the Bar.

Mr. JUSTICE ASHURST. I have always underſtood the rule of this Court to be, that a Defendant may move in arreſt of Judgment at any time before Judgment is pronounced; but that a motion for a new trial muſt be made within the firſt four days of the term after the De-

ſendant is found guilty.

Mr. ERSKINE. In the caſe of the King and Aylett, and in another caſe, to my certain knowledge, new trials were granted long after the four days in the ſubſequent Term had expired. A new trial was granted when the Defendants were in the Court ready to receive its Judgment :—Nay, my Lords, I appeal to the whole Bar, "whether it is not their general opinion that a new trial may be granted at any time before the Judgment of the court is pronounced ?"

LORD KENYON. I very much doubt whether that is the general opinion of the Bar. I am informed by one of the officers of the court, that in the caſe of the King and Aylett, the court had expreſsly given leave to move for a new trial, on a future day. I have no wiſh upon the ſubject either one way or the other. I wiſh only to go according to the practice of the court.

Mr. ERSKINE. My Lords, as on the one hand I do not wiſh to deceive the court, ſo on the other I ſhould be extremely unwilling to give up any advantage or privilege which belongs to any man who puts his truſt in me.

LORD KENYON. Let this motion be poſtponed to the ſecond day of the next Term.

Mr. ERSKINE. If it could be done without any inconvenience, I ſhould be glad that this caſe was ſettled at an earlier period.

LORD KENYON. We are now got to that period of the Term, when I do not know how we can do it at an earlier period, conſiſtently with the other buſineſs that ſhould be done. Why did not the Defendant move for a new trial within the firſt four days of the Term ?

Mr. ERSKINE. My Lord, I was only applied to yeſterday, and in the judgment of the Gentlemen who are concerned with me, as well as in mine, we ought to take the previous opinion of the court, "whether this Gentleman has been legally convicted?"

LORD KENYON. Is the motion for a new trial meant to be made on what is diſcloſed in the report of the learned Judge, or on affidavits?

Mr. ERSKINE. My Lord, it is meant to be moved on both.

LORD KENYON. Let it ſtand over until Saturday, when we may hear that multitude of caſes.

ATTORNEY GENERAL. My Lords, if the Defendant thinks that any ſerious miſchief will reſult to him from the verdicts that have been given under the idea that he had been illegally convicted; I do not wiſh that the Court ſhould be troubled with hearing this argument; but ſhall think it a ſubſtantial ground for ſaying, that I conceive it to be my duty to permit the Defendant to bring it again before the Court.

LORD KENYON. We, the Court, are bound, *ex debito juſtitiæ*, to hear this application to the Court, in as much as the practice of this Court is part of the Law of the land.

Mr BEARCROFT. The practice of this court, as I underſtand it, is this. If the party moves for a new trial, he muſt move within the firſt four days of the next term; but if what paſſed at the trial comes before the court in courſe, and the Court ſees the verdict is not right, ourt ſhall ſee that juſtice take place.

JUSTICE BULLER. In the caſe of the KING and

GOUGH, on reading the Judge's Report, the Court was of opinion that the Defendant ought not to have been convicted.

LORD KENYON. I would not have a cloud hang over it, and therefore let it ſtand over to Saturday, to ſee what can be ſaid upon it.

Mr. ERSKINE. In point of reaſon, my Lords, and of common ſenſe, there is no difference, whether the Defendant himſelf, or his Counſel for him, point out an error to the eye of the Court, or whether the court is led to diſcover i by any other means.

LORD KENYON. Well.—Let the Defendant be remanded.

I was then accordingly remanded to the King's Bench priſon. The following Saturday morning I again appeared in court, when as before, the Attorney General moved for the judgment of the court.

LORD KENYON. MR. ERSKINE; this is the ſtage of this buſineſs when it is proper for you to ſhew that it is allowable according to the practice of the Court, for a Defendant, after four days have elapſed in the Term, to move for a new trial.

Mr. ERSKINE. My Lords, the Defendant now in Court being called upon on a former day to receive your Lordſhips Judgment, and the report of the learned Judge upon which alone he can receive that judgment, being read, I humbly ſuggeſted to your Lordſhip's that there was matter apparent on the face of it, which entitled me to aſk your Lordſhips not to paſs the judgment of the Court, but to grant a new trial. In that ſtage the buſineſs ſtood then; in that ſtage the buſineſs ſtands now; and

what I am to ſtate to the Court is neither more nor leſs than this: and to ſtate it with that ſubmiſſion which every Advocate ought to ſhew to the Court, and what I am ſure I am always diſpoſed to ſhew; to ſuggeſt at no great length; that by the precedents of the Court;—by the rules and practice of it;—and by the rules and principles of Engliſh juriſprudence, you ought to ſend this cauſe to another trial; but I am not in ſuch a ſituation as to be neceſſarily called upon to aſk a new trial of your Lordſhips. I may aſk the Court, "Whether, upon hearing the Report read, it is not open to me, without offending the Court; or without breaking through any of thoſe rules by which your Lordſhips conceive yourſelves bound, to aſk your Lordſhips to ſtay this judgment?" and I ſhall certainly not be removed from that poſition.

Your Lordſhips had the indulgence to give me an opportunity of conſidering this matter, and I have no difficulty in ſaying, I had entertained an idea that there was a great difference between criminal and civil caſes. I am confirmed in that idea; and I am perſuaded that nothing I ſhall hear to day will ſhake my judgment in that matter.

In civil caſes, your Lordſhips ſtand, (thanks to the Conſtitution of our fathers) in a ſituation very different from that which you fill in criminal caſes, between the Crown and the Subject. Your Lordſhips, in adminiſtering civil Juſtice, have no rule but that of ſtrict law to guide you, and the Civil litigant muſt have his judgment when he can call for it. Your Lordſhips ſtand, as criminal Judges, in a ſituation much more pleaſant to yourſelves, and much more to the aggrandizement of magiſtracy. Although the ATTORNEY GENERAL alone can guide the courſe of criminal juſtice, as ſervant for the Crown, yet your Lordſhips guide the adminiſtration of criminal Juſtice para-

mount to him, and no profecution can advance a ſtep further than the Court thinks it ought to advance.—In a recent caſe, which I cite to your Lordſhip's honor, tried before you at Guildhall, for perjury. On the trial of that cauſe contradictory evidence appeared, and your Lordſhip interpoſed on the part of the Defendant. Had that been a civil ſuit, I have no difficulty in ſaying, that the evidence which made that impreſſion on your Lordſhips mind, would have made no ſuch impreſſion. Had it been a civil caſe, I ſhould have taken the judgment of the court on what fell from your Lordſhip. But in a Criminal caſe, and where I was ſtanding for the Crown, and there was no civil litigant to claim his rights; your Lordſhips in that caſe repreſented the majeſty of the public, and the liberty of the Defendant, and held the ſcales between them. No man who knows his character, will advance one ſtep bejond what is proper.—I find the whole courſe of criminal juſtice falling in with that idea, and I truſt I ſhall not live to ſee the time when it is otherwiſe. In civil caſes the party may help himſelf; the verdict is a warrant for judgment. He may give a rule on the *poſtea*, and when that rule is expired he may ſign the judgment of the court, unleſs the oppoſite party has moved for a new trial. The Court has ſaid, that rule ſhall be within the firſt four days of the next term, and therefore your Lordſhips ſee the party can ſign judgment of himſelf, unleſs the judgment which he can ſign is ſtayed by the interpoſition of the court on motion. I contend that I may move in arreſt of judgment after the four days, and any time before the judgment is pronounced. When your Lordſhips are addreſſed in civil caſes, in the middle of a term for a new trial, is there any inſtance of the Court's refuſing, on the ground that it would be breaking through the rules and practice of the Court? No counſel can ſtate that ever

ſuch a motion was refuſed him, therefore the right of the party to his civil remedy muſt be governed according to the ſtrict practice of the Court; whereas, in criminal caſes, your Lordſhips have interfered very differently;—yet even in civil caſes, where there has been any miſapprehenſion, any miſtake, judgment has been arreſted, and your Lordſhips have received a motion for a new trial, when, by the rules of the Court, judgment ought to have been given. The firſt caſe that I ſhall mention, is that of BURT and BARLOW, reported in DOUGLAS, 162: that was an action tried before Mr. JUSTICE BLACKSTONE, at the aſſizes for *Kent*. Mr. ROUS moved for a new trial. Wedneſday the 21ſt of *April*, was the firſt day of the Term, and by the practice of the court it muſt be moved within four days incluſive, ſo that Saturday was the laſt day for moving;—however, the learned counſel moved on the fourth day excluſive of the firſt; and the rule was granted. I mention this caſe to your Lordſhips, to ſhew, that it is not refuſed after the expiration of the firſt four days; if, under the circumſtances of the particular caſe there is any reaſon and propriety for the Court to interpoſe. I once more beg leave to remind the Court, that I am making no motion for a new trial, but am directing the judgment and attention of the Court to the Report of the learned Judge. I am therefore now doing what the Defendant, ſtanding ſilent before your Lordſhips, could not do for himſelf. I might look round to all the Gentlemen at the Bar, and aſk, whether any thing is more notorious, than that there are a hundred inſtances where the court have not refuſed to grant a new trial after the expiration of the four days.

LORD KENYON. Mr. ERSKINE, what is the meaning of this practice, that when a perſon has been found guilty, four days muſt elapſe before there can be a judg-

ment, *quod capiatur ?*

Mr. ERSKINE. No one inſtance can be ſtated, where the Court has ſaid to a man ſtanding for judgment, "You "come too late to aſk for a new trial; you ought to have "come within the firſt four days of the term." I contend that the caſe of the KING and GOUGH is preciſely in point; it is reported by Mr. DOUGLAS, in a manner very different from that in which it was reported by the court; and no man will perſuade me that, that learned gentleman did not know what the court was about when he reported that caſe. This is a remarkable caſe in every part of it, and will apply very particularly to the preſent caſe. The caſe of the King and Gough, was an Indictment which came on to be tried at the Spring aſſizes for *Glouceſter*, 1777. The objection was, want of juriſdiction in the county jury to try an offence charged to have been committed within the county of the city: the evidence was not before the court; the Defendant ſtood guilty on the evidence:—it was not pretended to be ſaid that he had ſuffered injuſtice, becauſe he was ordered to pay a penalty where the mind was innocent; but it was a technical objection to the juriſdiction of the court that tried it. The integrity of the jury was not called in queſtion; the trial was not diſputed, nor was it doubted that he had juſtice duly adminiſtered to him, and he came under that objection on the 23d of May 1781 after the lapſe of *fourteen Terms:* I come before your Lordſhips without the intervention of one. In that caſe the Defendant was brought up for judgment, when Mr. JUSTICE BULLER read over the report of the evidence given at the trial of that caſe, as Mr. JUSTICE GROSE has done in the preſent caſe; after which the Court obſerved that the

conviction appeared extraordinary, and that a new trial was proper. Mr. DUNNING ſaid he ſhould have made a motion for that purpoſe, if he had thought it competent after ſo long a time after the conviction; yet the court in th ir diſcretion granted a rule for a new trial. What does LORD MANSFIELD do in this caſe—he did, what he always did, and what he will be remembered for hereafter;—he declared that enough did not appear upon the face of the report to convict the Defendant. He thought that the Defendant ought not to be convicted, and therefore granted a new trial.

LORD KENYON. The caſe of the King and Morris, I remember perfectly: I may ſay, as well as it it happened yeſterday; and there are ſeveral other caſes of the ſame ſort.

Mr. ERSKINE. My Lord, I cannot mention the caſes all at once. I ſhall not move for a new trial. I may move to ſtay the judgment, and the ſingle queſtion for your Lordſhips' conſideration, is, whether previous to the Defendant receiving the Judgment of the Court, after having read over the report, your Lordſhips of yourſelves muſt find out the errors of that report, if any exiſt; or, whether I ſhall have an opportunity of ſuggeſti g to your Lordſhips in what part of the report the error lies? I confeſs, if there be any diſtinction between theſe two modes of detecting error, it is a ſhame it ſhould exiſt, and I know it cannot exiſt, conſiſtently with thoſe principles which adorn our government; and your Lordſhips would lament when you conſider the feeble nature of man, and your Lordſhips have very frequently admitted, very much to your honor, the ſame ſentiment; and I think you would not be much pleaſed to conſider the conſequences which might be of the moſt fatal kind to an individual, if he was

obliged to ſtand dumb before you, and if your own minds did not furniſh you with ſufficient light to point out the error, he himſelf muſt not point it out, at the ſame time. *Fiat juſtitiæ ruat cælum.* If I muſt be ſilent, I ſhall be ſilent becauſe the law commands me.

The next caſe I find analogous to the preſent, is the caſe of the King and Atkinſon. There is no printed report of that caſe, but I have a manuſcript note of it: my learned friend Mr. BEARCROFT was in it LORD MANSFIELD, having heard that a new trial was intended to be moved for, and that the Defendant was not forth-coming, that a motion would be made, and my LORD MANSFIELD obſerving it could not be made without the perſonal attendance of the Defendant; I met Mr. BEARCROFT afterwards on the reading of the report, when the Defendant came up for judgment; but at the interval of two Terms. I aſked leave to move for a new trial upon the authority of the caſe of the King and Gough, but Lord MANSFIELD took a diſtinction between an application for a new trial and this caſe. His Lordſhip ſaid there could be no application for a new trial before the court; but that the Court itſelf was to examine whether the party was to be tried *de novo.* The court were to look upon the face of the report, and to conſider whether any error occurred to them ſufficient to induce them to grant a new trial.

With regard to the caſe of the King and Aylett, I had leave to move it after the expiration of the four days. My Lords, the matter which I have humbly to ſtate to the Court, is this: I think according to the rules of the court as far as I can collect them from theſe caſes, that the party, ſtrictly ſpeaking, ought to make this motion within the firſt four days ſubſequent to the conviction, and

that your Lordſhips, without departing from any one principle of law or of Juſtice, might refuſe to hear a Defendant applying at a later period, and ſo your Lordſhips may do to day. I confeſs I think it is fit that there ſhould be a rule, and when it exiſts, that it ſhould be carried into effect, and that falſe humanity ſhould never induce judges to break through thoſe rules which when once eſtabliſhed ſhould be obſerved.—What then ought I to do in this caſe, but to ſurrender up my client to the diſcretion and mercy of the Court, who I am ſure will make the proper diſtinction where a Defendant is called upon to anſwer for an offence of a trivial, and an offence of a dangerous nature; where ſuch a Defendant is conſcious that he is guilty, and inſtead of laying open his real ſituation, gives inſtructions to his Counſel to aggravate the evil which the indictment ſeeks to abate; ſuch a Defendant becomes no object of mercy; but where he comes ſubmiſſively to urge any rule of law, he ſtands in no ſuch ſituation;—and when my objections come to be overruled, I ſhall have this conſolation, that I have offered nothing to your Lordſhips to induce any one to think the worſe of my client, or of the government under which we live.

LORD KENYON. I am not aware that there is any very great difference of opinion, and I am very glad to find that thoſe rules by which the court have ſuppoſed themſelves to be governed, are in fact the rules of the court. The caſe of the KING and GOUGH is within my own memory. I was counſel in the cauſe. I have alſo a manuſcript note of the KING and MORRIS, which caſe is alſo in print, and is to be found in the 2nd volume of SIR JAMES BURROWS's *Reports*. In that caſe the Defendant was tried for perjury, was convicted, and was brought up for judgment, and no counſel objected to the convicti-

on ; but LORD MANSFIELD, to ſatisfy his own mind, put this queſtion : " Whether there was ſufficient evidence to convict the Defendant ?" And his Lordſhip was pleaſed to ſay, if any miſtake had been committed at the trial, and if the Defendant had been illegally convicted, it was never too late to annul an error. This being the caſe Mr. ERSKINE, you will now ſuggeſt to the court why we ought not to paſs ſentence.

Mr. ERSKINE. Your Lordſhips know that the Defendant has been convicted upon two informations. The firſt charging him with publiſhing that part of Mr. PAINE's *Works*, which is entitled " *An Addreſs to the Addreſſers* ;" and the other entitled " *An Addreſs to the Tradeſmen, Mechanics, Labourers, and other Inhabitants of the Town of Newark, on the ſubject of a Parliamentary Reform.*" Now, my Lords, my objections to the two Reports of the learned Judge who tried the two Informations are of a a very different nature ; and I cannot but here lament that SIR JOHN WILSON, being now no more, we cannot have recourſe to him to receive any light or information with reſpect to the report. My Lords, the matter I am about to offer to your Lordſhips, on the ſubject of the firſt of theſe informations, even if I ought to ſuſtain the objection, does not go to the guilt or innocence of the Defendant ; it ſhews no more than this ; that if the objection had been made at the trial, and if when made, the learned judge had accepted of it, he never would have been convicted. I mean to ſay nothing upon the Libel itſelf, but ſhall leave the Defendant to your Lordſhip's mercy. In viewing this ſubject, I think we muſt not look at men's natural rights, or moral rights, but we muſt look at the rights they enjoy under the laws. I am perſuaded that if the objection which I ſhall make, ſhall appear to your Lordſhips to be well founded, indeed I entertain no doubt, but that your

Lordſhips will conſider it ſome how or other, although it was not made at the trial.

LORD KENYON. Mr. ERSKINE, I will go further in favor of the Defendant. Though the objection was not made at the trial, yet, if it ſhall appear to us to have force, we ſhall give full ſcope to it.

Mr. ERSKINE. I lament the ſituation in which I ſtand, not from any ſuſpicion of a want of integrity in any quarter, but becauſe I cannot appeal to the learned Judge who is now no more. It is not an uncommon thing when there is any difference of recollection at the Bar, and when the Judge's report is ſhort, to appeal to the learned Judge himſelf. There can no miſchief ariſe from this when the integrity and independence of the Bench is recollected.

LORD KENYON. If I miſtake not, when the country had the misfortune to loſe Sir Dudley Ryder ;—if I miſtake not, certain cauſes were brought before the Court by affidavit.

Mr. ERSKINE. This publication, entitled "*An Addreſs to the Addreſſers*," was written by a perſon who has been already convicted, and it was written ſubſequent to the time of his majeſty's Proclamation, and the general tendency of that publication was charged in the indictment to bring his majeſty's proclamation into contempt; and as divers Addreſſes had been preſented to his majeſty, expreſſing their loyalty and attachment to his majeſty's Government, it was charged, alſo, that this publication inſinuated that theſe Addreſſes did not contain the true and genuine ſentiments of the loyalty of his majeſty's ſubjects, but that they had been fabricated to ſerve the purpoſes of corrupt and intereſted men. Theſe are averments in the information, and muſt be proved by the ordinary rules of evidence.

They are matters of fact, and muſt be proved as all other matters of fact are. Now upon the report it appears that they were proved by evidence which I object to, and which was objected to at the trial, but which objections were reſiſted and over-ruled by the learned Judge. The averment that "*ſeveral*" Addreſſes had been preſented by various bodies of his majeſty's ſubjects, was proved by no other evidence than the London Gazette. If this print affected the Defendant only, it would be nothing, I might ſafely leave my Client to your Lordſhips diſcretion and humanity, but I ſpeak of a matter of great importance; it is a queſtion of evidence; and evidence is one of the moſt important branches of the law. The information ſtates that "*divers*" Addreſſes had been preſented to the King. Now that "*divers*" Addreſſes had been preſented to the King muſt be proved by the ſame evidence that any one Addreſs was preſented. I will advance a ſtep further; I will ſuppoſe that a ſeditious Addreſs had been preſented, ſigned by a number of perſons, and that this Addreſs, on the preſentation of it, had become the ſubject of a criminal proſecution, and the Information had averred that A, B, and C, had preſented that Addreſs to the King, would the Gazette have proved that individual caſe? It may be ſaid, that an act of government may be proved by the Gazette. If I wiſh to aſk a favor of the King, would the Gazette be evidence that I had received it? The queſtion is not, whether the Gazette be good evidence;—but the queſtion is, whether it proves the exiſtence of the facts which it ſtates?

Lord Kenyon. The report of the learned Judge is extremely ſhort.

Mr. Erskine. The information ſtates, that "*divers*" addreſſes had been preſented to his Majeſty. This is a

moſt material relevant averment, and the whole body of the information falls to pieces without it. Your Lordſhips therefore will perceive that the nature of my objection is this. I ſay, theſe Addreſſes are ſtated on the record as facts and that conſequently they muſt be proved, like any other facts, by ſuch evidence as the law of England calls for. Suppoſe a commiſſion of Bankruptcy was loſt, would the London Gazette be evidence that ſuch a commiſſion ever exiſted? I contend that it would not. The general rule in all queſtions of evidence is, that in all caſes, you muſt produce the beſt evidence and the higheſt authority which the nature of the particular thing in queſtion will admit. I contend, that the Gazette is no evidence whatever that ſuch Addreſſes had been preſented to the King. It probably will be ſaid, that the Gazette is the only evidence of ſtate matters, and of things which affect the ſtate, but an Addreſs ſurely cannot come under that head. It is ſurely no matter of ſtate, and only refers to the acts of individuals. This therefore being the caſe, I contend, that this evidence ought not to be admitted. Your Lordſhips therefore clearly ſee, that if this objection had been ſuſtained at the trial, the Defendant would not have been convicted. I do not pretend to ſay what weight is due to this objection, but if it has made any impreſſion upon your Lordſhips minds, I have no doubt but that the Defendant will have the full effect of it.

The objection which I have to the other information, is of a very different ſort; and goes, as I apprehend, to the complete innocence of the Defendant. The matter which I have to offer to your Lordſhips on this point, will involve in it the conſtruction of a law lately made, and if I do not ſucceed in my objection in this caſe, I ſhall conſider this act of parliament as a dead letter, which cannot be taken off the ſtatute book two ſoon, as it will only

have the effect of disordering the whole system of English jurisprudence. The subject of the second information upon which the Defendant has been convicted, is entitled, "*An Address to the Tradesmen, Mechanics, Labourers, and other inhabitants of the Town of Newark, on the subject of a Parliamentary Reform.*"—The love of our particular country is the first of all virtues, and a desire to promote its interests and prosperity, the first of all duties. But how that duty may be best performed is another question, and on which great authorities may lift up their heads on different sides.—Those who originally wrote this publication are persons who at present surround the King; who bask in the sunshine of royal favor; and administer, as they think at least, the affairs of this country gloriously. Now I humbly conceive, for a man to print a paper in the year 1793, which was originally published in 1783, and which, as no criminal proceeding has been had upon it, he must consider as innocent: the *reprinting* of that cannot be a Libel. The Defendant may say, "Shall I be "exhibited in the pillory by the servant of those persons "who have set me the example; who were the authors "and original composers of it?" The Defendant offered to prove this at the trial, but was not permitted to do so. He offered to prove, not only that the sentiments were similar, but also that it was the same in *totidem verbis*. He offered to prove *that it was not originally composed or printed by him*, but that it was composed and printed in the year 1783, by a body of persons of exalted rank, and some of whom hold the highest situations in his Majesty's government. This however was refused. I contend, that a *seditious intention*, which was laid in this information, was matter of fact, and not matter of law; and that therefore it ought to have been left to the jury. My Lords, if

I am not entitled by the late act of Parliament to conſider the ſubject in this light, the Libel Bill, in which I had ſome ſhare, muſt be conſidered as a dead letter, and had much better be expunged from the ſtatute book; for if it is to have no operation, I ſhall be as deſirous of mending what I had a ſhare in doing, as in the firſt attempt. Will any perſon tell me, that a man may not publiſh a fair, candid, legal diſquiſition upon this ſubject? Will any man tell me, that I cannot ſtate, *bona fide*, to my fellow citizens, my ſentiments on the ſubject of a Parliamentary Reform? I know I may do it with perfect ſafety, becauſe I have done it, and will the ATTORNEY GENERAL proſecute me for it? At the ſame time it is not to be wondered at, if the ſentiments of great and good men on this ſubject are found to vary; and although no man, more than myſelf, loves and venerates the Conſtitution under which we live, yet I am one of thoſe who think that great improvements may be made in it. Whether I am innocent or guilty by the mode in which I have done it, is not for me to determine; but I am very ready to admit, that if under the pretence of a Parliamentary Reform, I have been ſeeking to pull down the fabric of the conſtitution, by rendering the people diſcontented with their condition, then I am a Libeller, and whoever ſeeks to ſow and propagate ſedition, ought to be the juſt object of the execration of mankind. With reſpect to this paper, I have only to obſerve, that it was publiſhed *ten years ago*; and that it has been circulated far and wide, throughout the kingdom, and has never been productive of any ſedition.

LORD THURLOW, with ſeveral other noble Lords, were of opinion, that Libel or no Libel, was matter of law; I am of a different opinion; and, although a man

may be inferior to another in learning, yet like an honeſt man he may maintain his own opinion; but I think it may juſtly be made a queſtion, if I do not ſucceed in my objection, whether any improvement has been made by the late law? or—whether it has not diſordered the whole ſyſtem of our juriſprudence?

If never occurred to me that a jury were to be judges in abſtract points of law; the judges ſhould maintain their authority over the law, and the jury over the fact. The Jury are the Judges whether Libel or no Libel upon the ſeditious intention as matter of, or coupled with, the fact. The Jury ought not to condemn a man but on ſufficient evidence, and if they had admitted the evidence, which I contend ought to have been admitted, there would have been no evidence to have convicted the Defendant, but on the other hand, there would have been the moſt deciſive evidence THAT THE PUBLICATION OF THIS WAS NOT WITH A SEDITIOUS INTENTION. The Foreman of the Jury aſked the Judge, "Whether they in the diſcharge of their public duty, could not decypher the intentions of the Defendant?" The Judge told them that they might, and that if this was not the caſe there would be no ſafety for the ſubject. I have already obſerved that this paper, which was the ſubject of the ſecond Information againſt the Defendant, was the very Paper which was compoſed and publiſhed ten years ago. As the perſons who wrote and compoſed it, may be aſhamed to have their names publiſhed, although I ſhould not, and as they are tired of their opinions, although I am not, I ſhall not name them.

The Jury, was not permitted to decypher the whole meaning of the Defendant, and to ſay what paſſed in his

mind at the time.—But it is the faſhion of theſe times to cry down by *bell, book and candle* every man who takes up opinions that other people are tired of. The Defendant who has publiſhed this Addreſs, has very great merit; the principles of it are juſt, and had they been cloathed in better language, he could not employ his time better than by publiſhing it again. I ſhall take the liberty of reading the latter part of this publication;

" Petition then, with one voice, my friends and countrymen, for that ſhare in making your own laws to which, by the conſtitution, and the laws of nature, you are entitled. Purſue the only courſe which can ever affect any conſiderable reduction of debts and of taxes, materially advance the intereſts of manufacturies and commerce!—In ſhort be Engliſhmen! be free, proſperous, and happy! And give your poſterity, the ſame cauſe to revere *your* memories, as you have to bleſs *thoſe progenitors* who left you an inheritance in a free conſtitution!"

I ſay this is what any man may and ought to publiſh in and out of jail, and I am perſuaded, that the adoption of theſe principles alone can ſave this country. Give the the Engliſh public the ſatisfaction of enjoying their happy and glorious Conſtitution, and they will grapple in the defence of it, and no power under heaven will be ſufficient to tear them from their allegiance. Our Conſtitution is the ſanctuary of Engliſh liberty, and no government will be able to equal it; for I am perſuaded that it is deſtined, by the great Author of all nature, to be the happieſt, the freeſt, and moſt glorious country in the world. It was by the intrigue and corrupt practices of courtiers, that the Conſtitution, of France was pulled down, and the Conſtitution of this country may be pulled own by the ſame means,

With regard to the time in which the Defendant pub-

liſhed this paper, I apprehend, my Lords, that no objection can fairly be made on that head; for it is well known that ſome time before this, Mr. GREY had given notice of bringing forward a petition before Parliament praying for a Parliamentary Reform. Now when this paper was originally written, there was a petition preſented, praying for a Parliamentary Reform. This paper, this LIBEL, as it is called, was originally compoſed and written by Mr. PITT, the DUKE OF RICHMOND, and other eminent perſons who ſtand high in his majeſty's favour! AND SHALL THE DEFENDANT BE SET ON THE PILLORY, FOR THAT WHICH SET THEM SO NEAR THE THRONE!!! Shall he be branded with the charge of ſedition, for only being a humble copier, and for republiſhing that, which has been publiſhed ten years ago; and which, though circulated through every part of the country, has produced no ſedition?—My Client offered to produce a witneſs to prove, that this paper was originally compoſed by theſe Gentlemen. I conceive he had a right to rebut the ſeditious purpoſe that has been aſcribed to him, but this was refuſed. This is not all; for on the part of the proſecution, evidence was examined to ſhew out of the caſe itſelf, and upon topics *entirely extrinſic*, the general diſpoſition of the Defendant. For that purpoſe they produced a witneſs to prove, that the Defendant cauſed this paper to be diſtributed by a man wearing a cap on his head, on which were inſcribed the words "Liberty and Equality." This might have, and I believe actually had, an effect upon the minds of the Jury. Thus they received evidence to *inflame*, and nothing to *extenuate* the caſe on the part of the Defendant.—I ſay that ſeditious intention is not matter of law, but matter of fact, and ought to have been left to the Jury. Theſe, my Lords are the obſervations that I have to ſubmit to your Lordſhips, and

I have no doubt but your Lordſhips, will do juſtice between the Defendant and the Public.

Mr. DAYRELL, and Mr. CLARK, proceeded on the ſame line or argument on the point of evidence. They maintained, that the London Gazette ought not to have been received as evidence that "*divers*" Addreſſes, had been preſented to the King by various claſſes of his ſubjects; and ſecondly, that the evidence which was offered by the Defendant, to ſhew that he had no ſeditious purpoſe in publiſhing the Addreſs for a Parliametary Reform, ought to have been received.

ATTORNEY GENERAL. My Lords, I am very ſhortly to anſwer the two objections that have been made to the reports of the learned Judge by my learned friends who are Counſel for the Defendant. I am perfectly ready to admit that if this Court ſhall think that there is any weight in theſe objections, the Defendant ought unqueſtionably to have the full benefit of it. It is not enough that juſtice be adminiſtered, but the ſatisfactory adminiſtration of juſtice, is an object of the firſt importance. The firſt objection now taken is, that ſufficient evidence was not given to the Court in the caſe of a material averment; namely, to prove that Addreſſes had been preſented to the King by various bodies of his ſubjects. I conceive it would be extremely difficult to make out theſe objections as ſupported by any principle of law. The objection might be as well ſtated in this way "How do you prove them to be Addreſſes at all?" And until you prove that, you prove nothing. I thought when I heard this objection firſt, it would embarraſs the diſcuſſion at the other part of the caſe, and had I been aware of it, the better way would be to poſtpone the ſubject, becauſe it is not only my duty to conſider the objection, but becauſe there is a great deal of

authority upon the queſtion; but I ſhall now, with your Lordſhip's permiſſion, proceed upon the whole caſe. I was aware that objections might be offered to the Proclamation, as being evidence of the act of his majeſty, but this cannot be inſiſted upon with any effect. Nor can a better objection be ſtarted againſt the Gazette. If learned Gentlemen are pleaſed to perſiſt in theſe objections, I muſt tell them that they have to encounter, not only the uniform practice of this Court for one hundred years paſt, but alſo the clear deciſion of LORD HOLT, and that upon a principle which removes the preſent objection entirely; which is, that in the opinion of that learned Judge it was a high miſdemeanour for any perſon to notify an act which can only be done by the King, and that all legal means for that notification ſhould be reſerved for the King alone. The medium for that purpoſe is the Gazette. I will tell your Lordſhips what I underſtand the Gazette to be. A Gazette is a publication, evidence, and notification of a royal act, be it what it may, and all the public acts of his majeſty are notified in the Gazette. Having made theſe obſervations upon the evidence, I muſt now take notice of what my learned friend, MR. ERSKINE, was pleaſed to throw out upon myſelf. He called me the ſervant of certain perſons in power; an expreſſion which he afterwards ſeemed to qualify, and to allow me to be the ſervant of the Crown. I can only ſay that the ſentiments which I entertained when it pleaſed his majeſty to call for my ſervices, I entertain now; I have often expreſſed them on queſtions of Parliamentary Reform, and on other ſubject and have differed, perhaps, from thoſe who are higheſt in his majeſty's confidence. That has never yet been the cauſe of the leaſt uneaſineſs to me. I ſhall always retain the independence with which I commenced; and the moment I am called upon to act in a manner that is incon-

ſiſtent with that ſpirit, that moment will I abandon the office which I now hold. As to the point of law reſpecting the evidence of the trial, I might be content with ſaying that MR. JUSTICE WILSON, had no doubt upon the point, and all who had the pleaſure to know that learned Judge, admitted his merit, both as a lawyer and a man.—The nature of the evidence has been already ſtated with ſufficient accuracy and preciſion, and I humbly conceive that every thing that can be neceſſary in this caſe to convey information to the Court, appears upon the face of the Report, The Defendant, your Lordſhips ſee, has been convicted for ſelling a book called, "*An Addreſs to the Addreſſers*," the nature of which I am perſuaded the Defendant could not be ignorant of, and if a man will continue to ſell a book of this kind and cannot pretend to be ignorant—

MR. ERSKINE. My Lords, I have ſaid nothing upon the contents of that book. I ſhall reſerve what remains for me to urge in favor of the Defendant—

LORD KENYON. The buſineſs of the day, is to examine into all the merits of this caſe. I wiſh to appriſe all parties that all the buſineſs upon this ſubject is to be gone through.

ATTORNEY GENERAL. I have already obſerved that the Defendant could not be ignorant of the tendency of the publication called "*An Addreſs to the Addreſſers.*" I believe he publiſhed the ſecond Libel with as much knowledge of the tendency of it, and with the ſame intent. And as to the obſervation made by my learned friend MR. ERSKINE, or rather the queſtion which he put to me "Whether I ſhould think of proſecuting him for the "opinions which he has ſent into the world with his own name to them?" I will tell him candidly, that if he goes

to the Freemaſon's Tavern, or to any other ſuch public place, where ſuch ſocieties are held, with this paper in his poſſeſſion, and with a Label on his head or breaſt, with the words "Liberty and Equality" on it, and the cap of Liberty on his head, I will proſecute *even him.*

With regard to the queſtion of a Parliamentary Reform, a ſubject of which the ſecond paper treats, I can only ſay, that it is one which ought to be more accurately explained than I have ſeen it yet, before I can form a diſtinct opinion on it. I know it is a ſubject of very weighty conſideration, and has intereſted the minds of the wiſeſt and beſt people in this country; but no man ſhould be allowed to diſturb the peace of a nation which enjoys the moſt free and happy conſtitution upon earth, and for which we ought to expreſs our gratitude to God; for I verily believe that in all this world, ſince he framed it, there has not been eſtabliſhed a government which for all political bleſſings can be compared with our own: whoſoever therefore ſhall endeavour, by any means, to ſubvert it, or leſſen the eſteem which the people have for it, deſerves to be ſeverely puniſhed. For my own part, I muſt confeſs freely that as to a Reform, as it is called, of Parliament, I think it an object of ſuch magnitude, and involving points of the greateſt difficulty, that I am afraid that a man poſſeſſed of the deepeſt penetration and the greateſt political ſagacity, will never, upon that ſubject, be able to give us an adequate conſideration for the riſk of any alteration It is ſaid that this paper was publiſhed ten years ago, and that no complaint was then made againſt the tendency of it. But is the conduct of parliament ten years ago to be compared with the time when this paper was republiſhed? The Defendant, after ſeeing the effect of publiſhing and diſſeminating theſe *pernicious doctrines* all over the kingdom, comes

forward with his paper, to aſſiſt the ſpirit that was then raiſed, without having the fairneſs to ſtate that it was a paper publiſhed ten years ago. What has been the conduct of the Defendant? Why, that of *maliciouſly* ſtirring up and reviving doctrines that were dangerous to the Conſtitution, at a time when it was likely that, if ſpread, they would do much miſchief. What does he mean to prove? Does he mean to ſay that in reality he had no ſeditious intention when he publiſhed this paper? Does he mean to ſay, that becauſe this paper was publiſhed by the Conſtitutional Society, the London Correſponding Society, or any where elſe, that therefore his intentions in publiſhing the paper were innocent?—My learned friend, Mr. ERSKINE, aſked me whether I ſhould proſecute him if he had ſent forth any thing with his name, concerning a Reform of Parliament. God forbid I ſhould proſecute any man for temperately diſcuſſing that ſubject, or any other ſubject; but I will tell him as a friend, that he will deal out hard meaſures for himſelf, if he will undertake to be accountable before your Lordſhips for every doctrine maintained by many individuals of the Society of which he is a member, and to which he is an ornament. I will tell your Lordſhips freely, that if my learned friend had publiſhed this paper under all the circumſtances with which this Defendant publiſhed it, I ſhould have been a traitor to my country if I heſitated a moment in bringing him forward as a Defendant before your Lordſhips, as I have brought forward the preſent Defendant, and I now aſk of your Lordſhips whether you think of him as I do.—As to the evidence which was preferred on the behalf of the Defendant, at the trial, I ſay it would have proved nothing, for it could only amount to this: that this paper was publiſhed before, by ſomebody elſe;—what has that to do with this charge againſt the Defendant? But your

Lordſhips are called upon now to hold this propoſition, That it is competent to one man to publiſh in a court of Juſtice, the opinions of other people upon a Libel with a view to ſhew, that theſe other perſons held the ſame doctrines as the Defendant. Your Lordſhips will ſee the length which this propoſition leads to. If MR. ERSKINE is to be allowed this for the Defendant, I muſt be allowed ſomething of the ſame ſort for the proſecution. If he gives the opinion of ſome perſons in favor of the paper, I ſhall give the opinion of Juries upon the ſame doctrine; and then the Defendant would be in a worſe ſituation than if he had not offered that ſort of evidence; therefore I think the learned Judge was not only right in ſtrictneſs of law, but alſo *kind* to the Defendant in *rejecting* this ſort of evidence.

The next thing to be conſidered, is the law upon this queſtion. What is the preſent limitation of what is called the Liberty of the Preſs? I ſay that under that limitation, this paper is a ſcandalous Libel. I take the law with regard to the Preſs to be this: That you may diſcuſs the moſt important points if you pleaſe. You may abuſe the Conſtitution if you pleaſe, and the general form of our Government; provided you chuſe to be anſwerable in a Court of Law. Now I aſk, is this Paper, or is it not, a *ſcandalous* and *infamous* Libel, traducing and vilifying the exiſting magiſtracy of the country?—Now is this the way that the grievances of the people of this country, *if they feel any*, are to be redreſſed?

"Parliaments choſen as they now are, and continuing "for ſeven years as they now do, will ever be compoſed, "for the moſt part, of a few factions, under the guidance "of particular noblemen, perpetually contending for the "power and emoluments of office. The common ſol-

" diery of theſe ſeveral factions, like that of all other " ſtand ng armies, is made up of mercenaries from the " moſt idle and profligate orders of the community " Who ſo idle, as men of pleaſure, and the vicious par " of our nobility and gentry ? Who ſo profligate, as mur. " dering nabobs, proſtitute lawyers, and unprincipled ad- " venturers, who, through the iniquity of corrupt elec- " tions, make their way into Parliament, and there let out " their tongues and their votes for hire ?"

Is this treating Parliament fairly ? Is this merely informing the public of a fact, or is it a temperate commentary ? Is the *whole* Parliament corrupt ? or are there not men among them, who by the bleſſing and providence of God, are ſuch as will be praiſed by poſterity, and perhaps make future ages wiſh they had ſuch men among them as theſe are, to guide their counſels ?—If perſons will publiſh commentaries on Parliament let them do juſtice to its character and to the different men in it ; and let them make a jury believe, that when they diſcuſs any public matter, they diſcuſs it temperately, and then a queſtion will never ariſe between any Defendant and myſelf before your Lordſhips. —One ſentence more and I have done. It is ſaid that Mr. JUSTICE WILSON omitted ſomething which he ought to have laid before the jury in favor of the Defendant. I cannot poſſibly conceive how that learned Judge could have done more for the Defendant than he did ; for, after ſumming up the whole of the evidence, he aſked the Jury this queſtion. " Are you ſatisfied that the Defendant " publiſhed this Paper with a ſeditious intent ?" The Jury ſaid they were ſatisfied he publiſhed it with a ſeditious intent, and therefore they found the Defendant guilty.

Theſe, my Lords, are all the obſervations I have to ſubmit. With regard to myſelf, I can only ſay, that I have

done my duty as my conſcience has directed me, and if ſatisfy that, I ſhall not give myſelf trouble about what ſome people may think of me.

Mr. ERSKINE. My Lords, am I now allowed to addreſs your Lordſhips for the Defendant?

LORD KENYON. I take the rule to be, that the Advocate for the priſoner commences the caſe and ſpeaks generally, either againſt judgment, or in mitigation of puniſhment, and therefore the ATTORNEY GENERAL is to ſpeak laſt.

Mr. ERSKINE. I apprehend, my Lords, that I am not in the ſituation which your Lordſhip ſeems to think I am. I think I have a right to ſpeak in mitigation.

LORD KENYON. I think the major part of your Addreſs, Mr. ERSKINE, was in mitigation of puniſhment. Almoſt the whole of it appeared to be ſo. However, as you deſire it, you will now go on in mitigation of puniſhment.

Mr. ERSKINE. That is not the point at all, my Lord. The queſtion is, whether I am not to hear the ATTORNEY GENERAL upon the whole matter before the Court, and reply?

LORD KENYON. If there is a rule to guide the Court, and I underſtand there is, as I have ſtated, you are not, ſtrictly ſpeaking, entited to proceed. We certainly ſhall not pronounce Judgment to day, but all the buſineſs from the Bar muſt be finiſhed in this caſe. You have rejected the idea of moving in arreſt of judgment, and if you have any thing to addreſs to the Court in mitigation of puniſhment, I wiſh you would now be ſo good as to ſay it.

Mr. ERSKINE. The two Papers of which the Defendant ſtands charged, are diſtinct and ſeparate. I ſhall not addreſs the Court upon the firſt, becauſe there are Judgments upon that publication already. I ſhall therefore leave my Client upon that part of his caſe entirely to the mercy of the Court, ſeeing as they do, that he has done every thing in his power to extenuate, for he diſcontinued the ſale on the inſtant it was complained of. With regard to the other Publication, unqueſtionably he ſtands in a different ſituation, for by publiſhing the ſecond Paper, he certainly meant nothing but that which as a ſubject of this country he thought he might legally do, not ſeeking to produce or occaſion any of the anarchy or confuſion which has been ſo much talked of. If I cannot ſay any thing further on the point of law, I muſt leave my Client in your Lordſhips' hands.

LORD KENYON. I hope that this doctrine will never go forth into the world, that a man may ſafely and legally publiſh what has been publiſhed before, provided it has not been the ſubject of a criminal proſecution in a Court of Juſtice. If any man adopts that doctrine his judgment muſt be very much perverted indeed. All the miſchief may be done that a publication can do, if no legal ſteps can be taken till ſomebody has been arreſted upon that account.

I hope that the tranſactions of this day, and ſome of the tranſactions of this Term, will not be quoted as the authorities for the Court to proceed by. I am extremely ſorry that any thing has been applied to this caſe, which did not ariſe out of the Judge's Report. I will ſay nothing of the character of the late SIR JOHN WILSON, who tried theſe Informations; nor will I make any remarks on his Reports, but ſhall leave them entirely on the character which that gentleman has carried with him to the grave.

I am very ſorry at ſome of the remarks that have been made on the reports of the Judges. The character of the Judges is public property, and if they have done any thing amiſs, they ought to be cenſured. But if not their characters ought to be reſpected, otherwiſe the moſt miſchievous conſequences will ariſe to the Public. I do not aim this at any body, I aſſure you, but I ſpeak it from the conviction of my own mind, and feel myſelf bound to ſay thus much.

It cannot but occur to every perſon's obſervation, that as long as parties exiſt in the country, (and perhaps it is for the good of the country that parties ſhould exiſt to a certain degree, becauſe they keep miniſters on their guard in their conduct) they will have their friends and adherents. A great political character, who held a high ſituation in this country, ſome years ago, but who is now dead, uſed to ſay that Miniſters were the better for being *now and then a little peppered and ſalted.* And while theſe parties exiſt, they will have their friendſhips and attachments, which will ſometimes diſpoſe them to wander from argument to declamation. And this is very often the caſe with reſpect to queſtions relating to Libels.

The preſent queſtion ſeems to lie in the leaſt compaſs in the world, and to relate to points ſo long and ſo clearly ſettled, that no doubt can remain with reſpect to them. Both the points, to my mind, appear as clear as the ſun. No man ever yet doubted but that the Gazette was evidence of all matters of ſtate. And therefore I am perfectly ſatisfied that the opinion of SIR JOHN WILSON formed at the trial, was perfectly correct.

Another queſtion is, whether ſomething or another ought not to have been admitted in evidence that was re-

fuſed by the learned Judge at the Aſſizes. And it was ſaid that if that evidence had been admitted, it would have gone to the innocence of the Defendant. In anſwer to that, I can only ſay, that this evidence which was not admitted, is not to be found in the Judges' Report, and our determination muſt proceed on what appears on the face of the Report. No motion in arreſt of Judgment can be made upon account of either of theſe two points as far as I can ſee. I verily believe no one man can entertain a doubt but that when four days are paſt, the ſeaſon for moving for a new trial is over, It is competent after that, and any time before Judgment, to move in arreſt of Judgment, and if the reaſons which are adduced by the Counſel ſhall appear to the Court to have weight, they will interfere. And if when the Defendant is brought up for Judgment, and no application is made on his part, yet if the Court perceive any error in the Report, the Court will interpoſe, as in mercy they ought.

Mr. JUSTICE ASHURST, ſaid he entirely concurred in opinion with Lord Kenyon on both points. I think, ſaid he, the Gazette was as properly admitted to prove that Addreſſes had been preſented to the King in conſequence of his moſt gracious proclamation. And I am alſo of opinion that the evidence which was refuſed by the learned Judge on the trial of the other Information was properly rejected, It has been ſaid that if this paper is a Libel *now*, it was alſo a Libel *ten years ago*. I am not certain of the truth of that propoſition. *I conceive that a writing may be a Libel at one time which is not ſo at another.*

Mr. JUSTICE BULLER. The only two caſes which apply to the preſent, are the KING and GOUGH, and the

KING and ATKINSON. In the first of these two cases, LORD MANSFIELD said, "we must either grant a new "trial, or defer judgment for ever." The result of these two cases is no more than this: If you do not move for a new trial within four days, you cannot be heard at all. The only resource left is either to move in arrest of judgment; (I take it that it is good time to move in arrest of judgment at any time before judgment is pronounced) or you may address yourself to the Court in mitigation of punishment. And if in the course of that Address, the Court see that injustice was done, they will interfere, but not otherwise.

As to the question whether the Gazette is good evidence to prove that Addresses were presented to the King, I think that can hardly be made a question. At the same time I am of opinion that was an immaterial averment in the Information, and that therefore it was unnecessary to give evidence of it.

As to the second objection I think there is no force in it, but I must not enter into it, as it does not arise out of the Report, and I conceive we are bound to confine ourselves to the Report.

Mr. JUSTICE GROSE was of the same opinion.

LORD KENYON. The Defendant must be remanded.

I was accordingly, as before, taken to the Kings Bench Prison.—On the Wednesday following I was again brought up to receive the Judgment of the Court.—I shall make no apology, for laying before you the Speech which Mr. Justice Ashurst addressed to me previous to passing the sentence,

THE ATTORNEY GENERAL once more had the trouble of moving the Court for Judgment.

MR. JUSTICE ASHURST. DANIEL HOLT, you have been tried and found guilty on two ſeveral Indictments for printing and publiſhing two very atrocious Libels: the one entiled "*An Addreſs to the Addreſſers*" and the other entitled "*An Addreſs to the Tradeſmen, Mechanics, Labourers, and other Inhabitants of the town of Newark, on the ſubject of a Parliamentary Reform.*"

The firſt of theſe Libels, alludes to his majeſty's moſt gracious Proclamation, which is in every body's memory, and to the Addreſſes of loyalty ſent from all parts of the kingdom in conſequence of it. Theſe loyal Addreſſes very much counteracted the deſigns of men of ſuch a deſcription as the author of this publication. The general tendency of this Libel is to bring his majeſty's Proclamation into contempt, and to inſinuate that theſe Addreſſes did not contain the genuine ſentiments of the loyalty of his majeſty's ſubjects, but that they had been ſet on foot by corrupt and intereſted men;—that the ſyſtem of our Government was a ſyſtem of tyranny and oppreſſion;—and that the formation of it was radically bad, and wanting Reformation;—and that a Parliamentary Reform was to be brought about by the People only, and not by the Parliament of Great Britain. And it daringly recommends a National Convention, to be held as the proper means of Reform. This publication alſo tends to traduce and vilify all Kingly Governments in this and all the countries of Europe, and boldly calls on the ſubjects of this kingdom to inſurrection and revolt: and inſinuates that the example of a neighbouring nation was proper to be followed in this.

This Paper falls very little ſhort of High treaſon, and certainly ſtands in the very firſt rank of ſedition.

The ſecond of theſe Libels moſt groſsly and impudently

aſperſes the Parliament of this kingdom, and brands them with the imputation of venality and corruption, and calls for a Parliamentary Reform. As to the mode by which that Reform was to be conducted, this paper does not ſo largely enter into it; that had been ſufficiently pointed out by the former publication, entitled "*An Addreſs to the Addreſſers*," which recommends it to be done by a National Convention. The bloody adviſers of ſuch a meaſure have been acting a ſcene in a neighbouring country, which when we look upon it we have the ſtrongeſt reaſon to congratulate ourſelves on our own condition when compared with the tyranny, rapine, murder, and deſolation, which have ravaged that unfortunate country.

It has been alledged, in extenuation of your *crime*, that you were not the author or the firſt publiſher of this Pamphlet. But how does that apply in your favour?—Was it not enough that ſuch a horrid production had been once ſtifled in the birth, and muſt you foſter and nouriſh the unnatural and diabolical offspring, and give it freſh life and exiſtence. Though the nation in general had ſhewn their abhorrence and deteſtation of the doctrines contained in this publication, yet you were determined to cram it down the throats of his majeſty's ſubjects.

What has been ſaid in extenuation for the ſecond publication, can ſtand you in little ſtead. With reſpect to the ſubject of the publication, that it was publiſhed ten years ago, and that you only republiſhed it, and therefore are innocent, and that it could only mean the Parliament which then exiſted, and not the preſent Parliament of Great Britain. Let any man of common ſenſe take that paper in his hand, and ſay, whether the utmoſt extent of charity can conſider it a ſimple innocent republication If you had meant it in that view, why not publiſh it with,

the ancient title, and why not ſtate that it was publiſhed in ſuch a year. Tho' even if you had done that, it ought not inevitably to retain one ſenſe; but you yourſelf give it a preſent application. You addreſs it to the "Tradeſmen, Mechanics, Labourers, and other Inhabitants of the Town of Newark, on the ſubject of a Parliamentary Reform." How are they to know that ever it was publiſhed before? how can they apply it but to the preſent exiſting Parliament of Great Britain? The learned Judge who tried this Information, left the caſe to the Jury, in a fair and candid way. He put this queſtion to them: "Are you ſatisfied that the Defendant publiſhed "this paper with a malicious intent, or not?"—There could not be two opinions on the ſubject among *honeſt* men, and the jury found you guilty.

The malignity of this paper having been eſtabliſhed by the Jury, it only remains for this Court to do its office. This Court will always know to temper *mercy* with juſtice where there is room for it, but here there is no palliation. As to the firſt of theſe Libels, at leaſt, your own Counſel owned that nothing could be ſaid for you. It behoves then, this Court to try what can be done by the ſeverity of puniſhment. AND THOUGH THERE ARE BUT SMALL HOPES OF YOUR REFORMATION, it may at leaſt operate to deter* others from

* How far the peculiar ſeverity of this extraordinary Sentence may operate *in preventing others* being guilty of the ſame *atrocious crimes*; i. e. endeavouring to accompliſh a Parliamentary Reform, I will not take upon myſelf to decide; but if one may frame an opinion of the ſentiments of the public on this ſubject from the following circumſtance, it appears to have at preſent the *direct contrary effect*:

"MAURICE MARGAROT, at a late meeting of the CONVENTION in *Scotland*, propoſed and carried the following motion:

"That the *thanks* of this CONVENTION be tranſmitted to LORD KEN-

being guilty of the ſame *enormities*. This Court has taken the magnitude of your offence into their conſideration, and this Court doth order and adjudge, that for the firſt Libel you pay a Fine to the King of FIFTY POUNDS, and that you be impriſoned in his majeſty's jail of Newgate, for the term of TWO YEARS. And that for the ſecond offence, you pay a further Fine of FIFTY POUNDS, and be impriſoned in his majeſty's jail of Newgate for the further term of TWO YEARS, to be computed from the expiration of your firſt impriſonment, and that after the expiration of your impriſonment, you find ſecurity for your good behaviour for the term of five years, yourſelf in 200l. and two Sureties in 50l. each, and that you be impriſoned till ſuch fines be paid, and till ſuch Securities are found, as aforeſaid.

On theſe proceedings in general, on the Sentence, and on the Speech which preceded it, I ſhall now take the liberty to make a few obſervations, and leave it to you, to appreciate their juſtice, truth and propriety.

On the ſentiments, aſſertions, and language of the "*Addreſs to the inhabitants of Newark*," that *ſcandalous, atrocious and infamous Libel*," as the Attorney General terms it, I ſhall make no remarks. The paper itſelf is before you; you will judge for yourſelves. And that you may have a fair opportunity of comparing this paper, with other writings on the ſame ſubject, I ſubjoin in the Appendix, a copy of the DUKE OF RICHMOND's *Letter to* COL. SHARMAN, including a copy of his *Bill for a Parliamentary Reform*. Alſo, Mr. PITT's Speech on a

YON for the ſentence which he paſſed on MR. HOLT, *as all ſuch proceedings tend to* PROMOTE *the Cauſe of Parliamentary Reform.*"

ORACLE, December 16, 1792.

Parliamentary Reform, &c. When you have made this compariſon; when you have contraſted the language and ſentiments of the one, with the language and ſentiments of the other, I perſuade myſelf that you will find yourſelves at a loſs to make out wherein conſiſts that ſuperior "*enormity of my offence*," as Mr. JUSTICE ASHURST calls it, over that of the DUKE of RICHMOND, &c. &c.—On that part of the ATTORNEY GENERAL'S Speech, where he complains that this paper brands the Parliament with the charge of "*corruption and venality*;" I alſo ſhall offer no obſervations, but content myſelf with referring you for as an anſwer to the *Life of Lord Chatham*; DODDINGTON'S *Diary*; BURGH'S *Political Diſquiſitions*; *Political Hiſtory of the Borough's of Great Britain*; *Petition* and *Caſe of* JOHN HORNE TOOKE; *State of the Repreſentation*, by the SOCIETY OF THE FRIENDS OF THE PEOPLE; *Petition of the* FRIENDS *of the* PEOPLE; &c. &c. &c.

In the courſe of the Speech of the ATTORNEY GENERAL, he took occaſion to put this queſtion: "Does "the Defendant mean to ſay, that in reality he had no ſe- "ditious intention when he publiſhed this Paper?" I anſwer, YES, I do mean to ſay ſo; and before the Bar of the Britiſh Nation I now ſay it again, and to the lateſt moment of my exiſtence I ſhall continue to ſay, "*that* IN REALITY I had NO ſeditious intention" when I *reprinted* and publiſhed this Paper! I will alſo ſay, that no evidence whatever was adduced, or could be adduced to the Jury, to prove, that, in "reality" I had any ſeditious intention in publiſhing this Addreſs. The averment in the Indictment, charging me with a ſeditious intention was not proved, or attempted to be proved, by the leaſt evidence whatever; except indeed the ridiculous evidence of my old friend Mr. Bland, relative to the ſtill more ri-

diculous ſtory of the words "LIBERTY AND EQUALITY," being upon the cap of a PRINTER'S DEVIL, be taken as *ſufficient evidence* of the "criminal," the "ſeditious" intention of my mind!!! For the ſake of exciting a little riſibility, I will allow that the principal is reſponſible for his agent; and ſuppoſing that the word "LIBERTY," meant *Licentiouſneſs*, and "EQUALITY," *Plunder*, (an explanation *candidly* given by aſſociators) yet as it was the ſportive act of my ſervant, in mere boyiſh wantonneſs, ſurely no more criminality attaches itſelf to me on this occaſion, than there would to Mr. BLAND, were his apprentice to adorn his head with the Label of one of Mr. B's *Gallipots*, the *Birmingham* motto of "CHURCH AND KING," or any other ridiculous inſcription whatever!—It is really aſtoniſhing to ſee how this wonderful ſtory of the PRINTER'S DEVIL and his ſeditious Cap, has been bandied about from Mr. BLAND to the NEWARK ASSOCIATION; from the Aſſociation to the ATTORNEY GENERAL; and, like the ſnowball, gathering as it rolled along. But when men have ſome particular purpoſe to ſerve, no matter how laughable or ridiculous the means; for

> Trifles light as air,
> Are to the *jealous* confirmations ſtrong,
> As proofs of holy writ. SHAKESPEAR.

Leaving this *Gentleman* and his FOOLS CAP to your mirth and deriſion, I haſten to reſume my remarks.

How the jury were conſcientiouſly ſatisfied in their own minds, that I *did* publiſh it ſeditiouſly, when *no evidence* was produced to prove it, and when even one of the witneſſes for the proſecution, ſtated that I declared I would not publiſh a Libel knowing it to be one; I ſay, how the

jury, with theſe circumſtances before them, could *conſcientiouſly* and *without* prejudice, find me Guilty of publiſhing with a ſeditious intent, is a myſtery too dark and intricate for me to explain, and entirely beyond the reach of my abilities to develope.—I may lament it; I may regret that they were ſo eaſily ſatisfied and convinced of a thing which I KNOW never exiſted; which was never proved, and which conſequently never can or will be proved; I may lament that ſo fatal a blow has been given for a time to the Liberty of the Preſs; that the nation more than myſelf is injured; I may do this but I can do no more; except thus throwing myſelf upon the candour and juſtice of the public, in the well grounded hope that they will reviſe the proceedings, and reverſe the verdict.

The Attorney General next goes on to ſtate this queſtion, "Does the Defendant mean to ſay that becauſe this "paper was publiſhed by the Conſtitutional Society, the "London Correſponding Society, (he ſhould have ſaid the "*Society at the Thatched Houſe Tavern*) or any where elſe "that therefore his intention in publiſhing the paper were "innocent?" I anſwer YES!—If the intentions of the Society in publiſhing this paper were innocent—SO WERE MINE! If the intentions of the DUKE of RICHMOND in publiſhing this paper were innocent—SO WERE MINE!—Have not I a right to have the ſame favorable conſtruction put upon my intentions, as theſe gentlemen have upon theirs?—But I beg pardon. Mr. JUSTICE ASHURST here ſteps in, and gravely tells me, "a writing may be Libel at one time which is not ſo at another!"—Here is the authority which reconciles the difference between my ſituation, and the ſituation of the authors of the paper; they, for writing it, are, as Mr. ERSKINE obſerved "baſking in the ſunſhine of royal favor," and I, for pub-

liſhing it, am provided with a *ſnug* apartment on the State Side of NEWGATE, for the *ſhort* period of—*only* TWO YEARS!!!

I now come to the ſpeech which was addreſſed to me by Mr. JUSTICE ASHURST, previous to his paſſing ſentence. Speaking of the "*Addreſs to the Addreſſers*," he ſays, "Was it not enough that ſuch a horrid production "had been *once* ſtifled in the birth, muſt you foſter and "nouriſh the unnatural and diabolical offſpring, and give "it *freſh* life and exiſtence? Though the nation in gene-"ral had ſhewn their abhorrence and deteſtation of the "doctrines contained in this publication, yet you were "determined to cram it down the throats of his majeſty's "ſubjects." I muſt confeſs myſelf a little at a loſs to comprehend the preciſe meaning of this ſentence. If it means to aſſert, that previous to the period when I ſold the "*Addreſs to the Addreſſers*," it had been pronounced a Libel in any Court of Judicature, I muſt ſay that the knowledge of ſuch an event has never reached me, and I will thank Mr. JUSTICE ASHURST to point it out. I am told on all hands, that the firſt conviction on this production, was that of Mr. HOLLAND, Printſeller, London, who was tried and convicted at Hicks's Hall, February 23, 1793. This I am well perſuaded was the *firſt* conviction on the Addreſs to the Addreſſers; now, my information for ſelling this publication was filed againſt me ſometime in *December*, 1792, TWO MONTHS PREVIOUS TO THAT EVENT TAKING PLACE; therefore it inconteſtibly follows, that I did not ſell it AFTER it had been legally declared a Libel; and of courſe the high ſounding charge of "foſtering the unnatural and diabolical offſpring," &c. &c. as applied to me falls forceleſs to the ground.—If the above quoted ſen-

tence does not allude to a previous conviction for publiſhing the "*Addreſs to the Addreſſers*," I confeſs I muſt give it up as perfectly unintelligible. It is indeed, true, that the *Rights of Man* had a few weeks before been declared a Libel; but what had that to do with the "*Addreſs to the Addreſſers*," a diſtinct and ſeparate publication. No man will ſay that the verdict againſt the *Rights of Man* was an *implicated verdict* againſt all the writings of MR. PAINE? The aſſertion is too abſurd to be made by any other than fools or ideots; this being the caſe, what am I to make of theſe obſervations of the Judge as applied to me! But I draw no concluſions; I make no comments; LORD KENYON has ſaid "that the characters of Judges *ought to be* reſpected," I therefore "enter not on *holy* ground."

I am next aſked, "why I did not publiſh it with its ancient title, and ſtate that it was publiſhed in ſuch a year?"—Why this was *not* done, was no buſineſs of mine. I publiſhed it according to the order of thoſe who employed me. I was only an Agent, a mere Printer. But, as by a "*fiction of law*," I am *ſuppoſed* to be the *primum mobile* of all this ſedition, I will endeavour to give an anſwer. In the eye of common ſenſe, I imagine, it is of little conſequence, to whom the Paper in queſtion was addreſſed, or what title was given to it, provided, not a a word of the text was changed.—Would it have been leſs criminal had the *old* title been retained, and it had been addreſſed to the *Inhabitants of Nottingham* inſtead of *Newark*? Mr. JUSTICE ASHURST himſelf ſhall make the anſwer:—hear him! "Though even if you had done that, it ought not inevitably to have retained *one* ſenſe."—Fellow Townſmen, are you ſatisfied with the anſwer?

After having aſked me why I did not retain the old

title, and then telling me that if I had "it would not inevitably have retained *one* ſenſe," i. e. it would have been of no uſe; Mr. JUSTICE ASHURST goes on to aſk, "how the inhabitants of Newark were to know that it ever was publiſhed before? how can they apply it but to the preſent exiſting Parliament of Great Britain?" Whether you knew it had been publiſhed before or not, my Fellow Townſmen, we have already ſeen would have been of no conſequence either to you or to myſelf.—But the laſt queſtion, viz, "how can they apply it but to the preſent exiſting Parliament of Great Britain?" you can all anſwer for yourſelves, and your anſwer will be much in my favor. This Paper ſtates, that the national Debt was at the time of its *firſt* publication, in 1783, *only* TWO HUNDRED AND SEVENTY MILLIONS; now every man knows, and *feels* too, eſpecially the "*Swiniſh Multitude*," who commonly feel it moſt heavily, that taxes of all kinds have multiplied prodigiouſly ſince the year 1783, you all know this, my fellow Townſmen, to be the truth; and the periodical return of thoſe *uſeful* men called *tax Gatherers* ſerve to keep it alive in your recollection. It is as clear as that when you are in the field you can ſee the light of heaven *without paying for it*. Nothing can be plainer, than that an increaſe of the National Debt brings an increaſe of Taxes, therefore, at the beginning of the year 1793, the time when I *republiſhed* this paper, the National Debt amounted to upwards of TWO HUNDRED AND NINETY MILLIONS; TWENTY MILLIONS *more* than what the Paper ſtates it to be!!! Now can any man of common ſenſe ſuppoſe, that if this Paper had been publiſhed to anſwer the purpoſes which have been ſo liberally aſcribed to it, ſo favourable a topic would have been overlooked? —would it have omitted ſo weighty, and ſo circ[illegible] cir-

cumſtance in favor of a Parliamentary Reform? Had it been intended to apply to the preſent times, would it not have ſtated the national debt as it exiſted in 1793?—The argument is irreſiſtible. It is an unanſwerable proof that the paper applied to *paſt* Parliaments, and to *paſt* events only.

I ſhall now return my public thanks to MR. JUSTICE ASHURST for the Compliment he paid me. Whether intentional or not, is of no conſequence. He did me the honor to remark, when ſpeaking of my principles, that, "there were but ſmall hopes of my reformation!"—What my political principles are, I believe, the public will find looſely, but candidly ſcattered thro' the ill-written pages of this feeble Vindication. Such as they are, they have coſt me ſome pains to acquire, and ſome anxiety to eſtabliſh. I have not taken them up without deliberation, nor without the conſcientious approbation of my own heart. For them I have ſuſtained much obloquy and perſecution; for them I now ſuffer impriſonment, and in their defence, if ever that ſhall be neceſſary, the laſt drop of my blood ſhall be ſhed.—Such are my principles; In an age of almoſt univerſal deſertion and direlittion of all principle; in the midſt of unbluſhing political inconſiſtency, I think it an honor to be told from the Bench, that there "are ſmall hopes of my reformation," that is, *a change in my opinions.* I am proud of the compliment!—On the ſentence, unexampled in the teeming annals of unrelenting legal ſeverity, my remarks will be ſhort. Every man of humanity will make them for himſelf.—One thing I ſhall only mention, and which no man who thinks that the *ſame crimes* ought to have the *ſame puniſhments*, will read without aſtoniſhment. It is this: The ſentence paſſed upon me for ſelling the "*Addreſs to the Addreſſers*" exceeds in ſeverity, that paſſed

upon MR. SYMONDS and MR. RIDGWAY, the *original* publiſhers of this production, by one year of impriſonment and by an additional Fine of thirty Pounds: their ſentence *for the ſame offence* being *only* one years impriſonment and a fine of twenty pounds each !!!

Such are the proceedings, and ſuch are the conſequences of thoſe proceedings which have taken place againſt me, at the inſtigation of a ſet of men, whom I bluſh to call my Fellow Citizens!—Malicious, unfeeling, infatuated men!—In the midſt of your infuriate zeal to ruin my intereſts, and accompliſh the overthrow of ſo obſcure an individual as myſelf, you perceive not the "ſtrong rod of iron," which ye are forging for yourſelves, or your innocent poſterity! Blinded by intereſt and paſſion, ye ceaſe to remember, *that perſecution is ever the forerunner of deſpotiſm*, and that, *oppreſſion uſually recoils on the head of the oppreſſor!* * Whilſt ye are thus fooliſhly perſuading yourſelves that ye are laudably employed in ſupporting by oppreſſion a conſtitution which uniformly diſclaims it; ye are effectually ſapping the foundations of Liberty, and paving the way for the introduction of tyranny, and the aggrandiſement of a few artful, unprincipled individuals at your own expence. If ſuch meaſures continue, a few years will feelingly convince you of the folly and iniquity of your unmanly conduct. If ſuch ſhould be the caſe, ye will then *know, that inſtead of ſupporting the Liberty of your Country, ye have been employed in forging fetters for yourſelves!!!*

Adverting to the conſequences of theſe trials, I ſhould ſuppoſe, every reaſonable man would have thought that

* Who fills the Cup of Woe for others Taſte,
Shall drink the baneful Draught.

EURIP. AGAMEM.

the law of Libels, from its uncertainty, was ſufficiently oppreſſive before, without theſe Aſſociators combining together to render it ſtill more ſo. Though the Liberty of the Preſs has recently received ſome addition from the exertions of Mr. Fox, yet the *Law of Libel*, ſtill ſtands much in need of explanation. This Law, as it now is, and as it is at preſent enforced by Aſſociations, operates in ſome meaſure like the Exciſe laws; but tho' like them, in many of its prominent features, yet it is not equally intelligible clear and diſtinct. The *Publican*, the *Malſter*, the *Starch Manufacturer*, and *Soap Boiler*, know, and can immediately aſcertain, the preciſe limits of the Exciſeman's attention. They know the bounds of the law, and cannot through ignorance eaſily infringe it. But Bookſellers and Printers poſſeſs no ſuch guide. The law has not made this *crime* ſpecific, therefore they are ignorant when they are right, or when they are wrong. The law of Libels is ſo involved in obſcurity, ſo uncertain in its operations; ſo various and changeable at different times; at different times ſo unintelligble and contradictory; that no man, however great his abilities, or however vigorous his underſtanding, has yet been found competent to give a true diſinition of the word LIBEL, as he finds it uſed at various times in the proceedings of the Engliſh Courts of Law. What has been a falſe, ſcandalous, wicked and ſeditious Libel at one period, at another has been conſidered as a maſter piece of human genius; as containing the trueſt principles of Government, and the fineſt, and moſt rational principles of Liberty. The immortal work of ALGERNON SYDNEY is a ſtriking inſtance of the truth of this obſervation. This work, which in its day, excited as much clamour, and more *fatal* perſecution than the celebrated "RIGHTS OF MAN;" is now univerſally eſteemed, admired and quoted, and publicly

ſold, *at preſent*, in all Bookſellers' ſhops in the nation. I ſay *at preſent*, becauſe in the ſame ſyſtem of defining Libels continues, which convicted me of printing a Libel *ten years after its original publication*, this famous production of Sydney may again become a Libel, and as the Aſſociators cannot *behead* its virtuous author *over again*, who knows, but they may dig up his bones, and hang them on a gibbet, or "*tranſport them beyond ſeas, for the ſpace of* FOURTEEN YEARS"* ! ! ! Amidſt all this ambiguity and perplexity, how can it be expected that *illiterate* Bookſellers, unſkilled in the *myſteries* of "*legal lore*," ſhall ſucceed, where there have been ſuch a contrariety of opinions and deciſions, and where ſo many men of the higheſt legal talents have failed.

If theſe wretched, miſchievous Aſſociators are to have not only a local, but a general juriſdiction; if they are thus to ruin or reſtrict the Liberty of the Preſs, as ſuits their inclinations or their intereſts; ſurely they would have acted leſs like *Inquiſitors* had they drawn out for the Bookſellers the line of their duty, or pointed out what were the preciſe limits which a Printer could not paſs with impunity. Had they underſtood the *conſtitutional definition* of the word "LIBEL," or had the leaſt drop of the "milk of human kindneſs" flowed in their veins, this conduct would have been adopted.—But it ſeems they know as little of the Conſtitution, and as little of humanity, as the Conſtitution and humanity know of them;—which is but little indeed!—If this proſecuting ſyſtem is to continue, in the name of Juſtice and Common Senſe, why are Bookſellers to be denied that rule for the regulation of their conduct, which is given to the reſt of their Fellow Citizens! For God's ſake, if we are thus

* See the *extraordinary* trial of THOMAS MUIR, ESQ.

to loſe our Liberties, if we are thus to be dragooned into deſpotiſm by aſſociators, put the Preſs under the immediate controul of *political Exciſemen*, that Printers may be no longer oppreſſed in ſuch an unfeeling inquiſitorial manner! This perplexity, in which all Bookſellers and Printers are involved, is ſtill further increaſed by the contrariety of the deciſions, *on the very ſame cauſes*, which have taken place all over the country within the laſt twelve months. In the month of December, 1792, in *London*, PAINE'S WORKS were pronounced Libels by the verdict of a Jury.* At the ſame place, in June and July following, they loſt their criminality and became innocent.† Leave *London* and proceed to *Colcheſter*,‡ they are ſtill innocent. Croſs the country, and when we arrive at *Warwick*, "ſtrange to tell," we find them both *innocent* and *Guilty*‖! Proceed to *Leiceſter*§, and there we find

* Meſſrs. SYMONDS, RIDGWAY, and HOLLAND, were convicted of ſelling the popular pamphlets of THOMAS PAINE, and the JOCKEY CLUB. For theſe offences the two firſt were ſentenced to *four Years* impriſonment and fined 200l. each!!!——Mr. HOLLAND, for ſelling the *Letter to the Addreſſers*, was ſentenced to one years Impriſonment, and to pay a fine of 100l.

† Mr. D. I. EATON, for ſelling Paine's *Rights of Man*, and the *Addreſs to the Addreſſers*, for the one was found "*Guilty of publiſhing, but without any criminal intention!*" For the other he was found "*guilty of publiſhing the pamphlet!*" By both theſe verdicts, *as they found him guilty of being innocent*, he has been of courſe acquitted.

‡ At this place a Bookſeller was acquitted for ſelling PAINE'S WORKS.

‖ At the laſt Spring Aſſizes, at Warwick, Mr. THOMPSON, was acquitted for ſelling PAINE'S *Works*. At the ſame place, the following Aſſizes, Meſſrs. PEART and BELCHER were convicted of ſelling them, and ſentenced to three months impriſonment!

§ Mr. PHILLIPS, the Printer of the LEICESTER HERALD, was found

them criminal indeed!—Travelling North, when we arrive at *Newark*, we find them *moſt atrociouſly* criminal again! Proceed to *Derby**, we find them changing ſides once more, and pronounced perfectly harmleſs! Directing our courſe to *Knutsford*, we find them ſtill innocent; but leave *Cheſhire* and croſs the *Severn*, and behold at *Bridgewater*† we find them criminal again!!—Thus it ap-

guilty of ſelling the works of THOMAS PAINE, &c. at a time that they were ſold by all his *brother* Booksellers of the ſame place, and ſentenced to impriſonment for *eighteen months!* part of which the public papers inform me has been ſpent in a *dungeon!!!* It ſhould ſeems that MR. PHILLIPS's *real* offence is, being the Printer of a Patriotic Newſpaper!

* Laſt aſſizes, a Bookſeller was acquitted at this place for having ſold PAINE's Works.

† At this place, the laſt Summer aſſizes, Meſſrs. Robinſons, men of moſt reſpectable character, very eminent Booksellers in London, and perhaps the greateſt Booksellers in the world, were tried for ſelling the ſecond part of PAINE's *Right of Man.* It appeared by the evidence of one Pile, a bookſeller and diſtributor of newſpapers, of Norton near Taunton, that in November laſt he had ordered from Meſſ. ROBINSON, three copies of the book in queſtion, '*two of which he delivered to his employers,*' but being threatened by ſome gentlemen of the county, with, "*hanging, tranſportation, or being ſent to the devil,*" if he did not give up the perſons from whom he had procured them, he locked up the remaining copy, determined not to ſell it, and applied to an *Attorney* for advice, to whom he ſhewed the book; which the ſaid *Attorney* keeping in his poſſeſſion, wrote up to the Solicitors of the Treaſury! upon the delivery of this book, the proſecution was commenced. The bill of parcels and note for payment were produced in Court.—Pile declared, that he received from Meſſ. ROBINSON in July 1792, ſeveral copies of THE PROTEST AGAINST PAINE'S RIGHTS OF MAN, (a ſtrong conſtitutional pamphlet) which they requeſted him to diſtribute, gratis, wherever he thought they might be of ſervice. The defendants produced no evidence, reſting their cauſe upon their not wilfully or intentionally ſowing ſedition, but merely ſelling a pamphlet in the courſe of their immenſe buſineſs, which was then in general ſale. MR. BOND made an excellent ſpeech in their favor, which he delivered with peculiar energy, but the Jury found a verdict *Guilty!!!* The ſentence paſſed upon theſe four Gentlemen was, that 100l. fine ſhould be paid

pears, that what is *law* in *one part of the land*, is not law in *another!*—I presume this is what has so often been called "THE GLORIOUS UNCERTAINTY OF THE LAW!"—Glorious indeed to Counsel and Attornies!! "*It may be sport to them, but it is death to us.*"—All this may be very fine, very legal, and very constitutional, but for the soul of me I cannot perceive much of the glory of Common Sense in it!

I have now undergone three different prosecutions for printing and publishing "false, scandalous, wicked and seditious" Libels, and after all this wonderful experience I am still as much at a loss as ever, to determine with safety and precision, what it is that constitutes a Libel! In this state of uncertainty, I know not what to print, or what to sell; what to receive, or what to reject; and, unless something is speedily done by the legislature, either to indemnify Printers and Booksellers, for having printed or sold books of *ten years* standing, or to fix the precise limits of a Libel, the Liberty of the Press will be totally annihilated, and the business of a Printer and Bookseller, imminently dangerous, and highly imprudent to follow. By the decision against me for printing the "*Address to the inhabitants of unrepresented towns on a Parliamentary Reform,*" it seems that a book may be perfectly innocent for the space of *ten years* and then be deemed, a "*false, scandalous, wicked and seditious Libel*"!!! The respectability of the men who first introduced it into the world, it appears is no security for its future protection; and what adds to the *singularity* of the measure, those very men, in part, may afterwards become its prosecutors, and, literally speaking, *their own Informers!* If there is any

by him who made out the bill of Parcels, and the other three in 5ol. each!!!

guilt in the caſe, it ſurely reſts with the *authors* of the paper in queſtion, and *not* with the *printer!* It therefore follows, that the Committee at the Thatched Houſe Tavern, and the conſiſtent Mr. PITT amongſt the reſt, ought to have been proſecuted for writing and publiſhing a "*falſe ſcandalous, wicked and ſeditious Libel*," and ſentenced to impriſonment inſtead of myſelf. If they had not written it, I could not have publiſhed it, therefore the *guilt* reſts with them, and with them alone!—It would be a curious circumſtance to ſee *the prime Miniſter of this Country*, tried, ſentenced to impriſonment, and obliged to find ſureties for his good behaviour, for publiſhing a Libel on the Conſtitution!!! Whether this ought not to have been the caſe, I leave to the determination of my readers.

Had I been permitted, I ſhould have ſtated to the Jury at Nottingham, the motives of my conduct. This opportunity I could not embrace; but to you, my Fellow Townſmen, I can now ſtate them. I ſolemnly declare, then, that in ſelling this pamphlet, and in printing this paper, I was influenced by no "*wicked*," no "*ſeditious*" motives, but vended the one in the common courſe of buſineſs, along with pamphlets of every deſcription; and printed the other, with no other view, than to procure a ſubſiſtence for myſelf and my family. I aſk any man of common ſenſe, and common honeſty, if he can ſuppoſe I meant to ſtir up *anarchy*, *confuſion*, or *rebellion*, by this conduct! I will aſk him ſtill further; can he for a moment imagine, that I, whoſe very exiſtence as a tradeſman depends ſolely on the continuance of peace and internal tranquillity, could ſeriouſly wiſh to introduce a civil war into the country, in which perhaps my deareſt connections, or my own life, might have fallen a ſacrifice to the ſanguinary paſſions of a miſguided mob! No man, I am perſuaded, can ſuppoſe it for a moment. All that I ever

wiſhed, deſired, or contended for, was a peaceable, but RADICAL PARLIAMENTARY REFORM; which I have ever conceived would effectually remove thoſe grievances, of which I believe few men except Placemen and Penſioners, will deny the exiſtence. *Reformation*, not *Revolution*, ever has been, and ever will be my object, as far as my private ſentiments, and the influence of my Newſpaper could or can extend. From the legal and peaceable attainment of this important meaſure, a meaſure pregnant with ſo many bleſſing to the whole community, I never as a private individual, will be diverted, I have embraced it from choice, from conviction, and from a principle of duty; and *perſecution*, *impriſonment*, or *compulſion*, ſhall never oblige me to abandon it.—But in ſelling this pamphlet, and in printing this paper, which were done in the regular courſe of trade; the criminality of my intention was no more apparent, than it would be in a Cutler unkowingly, to furniſh an Aſſaſſin with the inſtruments of death. The *mere act of ſelling* theſe things, no more proves the improper intention of my mind, than my ſelling the ALCORAN, proves me to be a believer in the doctrines of MAHOMET; or vending the writings of PYTHAGORAS convicts me of being a believer in the tranſmigration of ſouls!—Theſe inferrences are ſo extremely obvious that they muſt have been perceived by my enemies themſelves, tho' it has not *yet* ſuited their intereſt to acknowledge them.

Intereſted and artful Aſſociators, knowing the contrary all the time, have anxiouſly endeavoured to confound what I *ſold*, with what I *thought*:—my conduct, as a *Bookſeller*, with my principles as a *man*!—With this object in view, they have ſought every occaſion to

> "Infer the *motive* from the *deed*, and ſhew,
> "That what I *chanc'd*, was what I *meant* to do." POPE.

This with ſome, has ſucceeded moſt wonderfully, and the Alarmiſts, and political hypocrites of the day, have branded me with the ſilly epithets of *ſeditious*, *turbulent*, *Leveller*, *&c. &c.* What is meant to ariſe from all this *political cant*, is no hard matter to determine.—'Tis merely a "*Tub thrown out to the Whale*;" a *Will with a whiſp*, to lead the Swiniſh multitude aſtray from their avowed purpoſe of procuring a quantity of *clean ſtraw*, and making their *ſty a little* more comfortable and *eaſy!*—If, by applying theſe political watchwords to me, the Aſſociation intend to charge me with holding opinions contrary to their own; that is, if they mean to charge me with being an enemy to public corruption, extortion, and oppreſſion; I plead guilty to the charge, and frankly confeſs that to theſe things I am indeed an enemy. If to endeavour to accompliſh in a peaceable and legal manner, a more fair and adequate repreſentation of the people;—if a deſire to obtain a more impartial taxation, and abolition of the Game Laws,* Preſs Warrants, and Teſt Acts; and the reduction of uſeleſs places and enormous penſions;—if a wiſh to ſee all theſe things accompliſhed, be *ſeditious*, the meaſure of my iniquity is full, for here my ſedition knows no bounds, but the bounds of the law.—If they intend by that wonder-working word, *Leveller*, to inſinuate that I am an advocate for that *wild* viſionary ſcheme of *Equality*, which *Mr. Reeves* and his gang, are ſtudiouſly anxious to make the

* At the very moment that I write this, there is a man in the KING'S BENCH PRISON, who has been confined there *ſeven years and eight months* for the coſts of a proſecution commenced againſt him by a *Noble-man*, for being guilty of *the high and atrocious Crime* of having a *dead* HARE, in his poſſeſſion!

If the Aſſociators wiſh for any further remarks on theſe *mild*, *juſt* and *equitable* Laws, I refer them to their *favourite* author, Judge BLACKSTONE.

people of England believe conſiſts in an equalization of property;—if they mean to ſtigmatiſe me with holding ſuch nonſenſical opinions; I ſhall only anſwer, *that they know me better than to believe them.*—That I am a friend to "EQUALITY," and the "RIGHTS OF MAN," properly ſo called, I am happy to have ſo public an opportunity of acknowledging. And that my *old Friends*, the Aſſociators, may not have it in their power to torture and pervert theſe expreſſions any more, as far as they relate to myſelf, I ſhall here give them what I conceive to be their meaning. It is then my firm conviction, my moſt decided opinion "that all the Citizens of a free State, (who "have not forfeited it by Crimes) ought, and it is *their* "RIGHT AS MEN, to enjoy an EQUALITY OF "LIBERTY, an Equality of protection from the Laws, "and an Equality in the right of protecting them in Re- "turn. The inequalities of Inheritance, and thoſe ariſing "from ſuperior Induſtry, ſuperior Education, or ſuperior "Enterprize, are inequalities eſſential to the very exiſ- "tence of Society: but all unneceſſary Inequalities of "poſitive Inſtitution, which affix Diſgrace, and Diſquali- "fication, on mere ſpeculative Differences of Opinion, "or on inferiority of Poſſeſſions, are ſubverſive of the "ſocial Compact, tend to create Jealouſies againſt Go- "vernors, and to propagate and augment thoſe Diſſen- "tions, which are a diſgrace to our Times."*

As my poor NEWSPAPER has been the *unfortunate* means of procuring me ſo much honorable notice from the "powers that be," permit me to ſay a few words on that ſubject.—The motives which firſt induced me to publiſh the NEWARK HERALD, were I will frankly con-

* See the manly and conſtitutional reſolutions of the Juſtices of the Newark Diviſion Dec. 10, 1792; in the NEWARK HERALD Jan. 2, 1793

ſeſs, a deſire to benefit myſelf in a pecuniary point of view and at the ſame time to contribute as far as the influence of ſuch a medium could extend, to the ſupport of public and Conſtitutional freedom. In ſuch a populous, opulent, and commercial neighbourhood as that of NEWARK, I conceived a Newſpaper would be a great public advantage, and conſequently highly acceptable to a very large part of the community. I laid the foundation of this paper, on the broad, honeſt baſis of Impartiality, and, if ever any particular attachment has yet been diſcovered in it, it is an ATTACHMENT TO THE RIGHTS OF THE PEOPLE. A paper conducted on ſuch liberal principles, was certain of receiving every ſpecies of abuſe and oppoſition from thoſe who were at all hoſtile to ſuch an undertaking, either from perſonal, ſervile, or intereſted motives. Accordingly from the mean dependants of alarmed ariſtocracy, it received the homage of their fears, through their outrageous clamour againſt it. Nothing was left undone, which malice, meanneſs, or envy could ſuggeſt, to ſuppreſs the Paper, and prevent me from procuring an honorable ſubſiſtance by my own profeſſion.—My political principles were aſſailed in every ſhape. In this ſtage of the buſineſs, I took up arms in my own defence, and ſtated theſe principles* to the public. The public decided between

* "As the enemies of Liberty, the Envious, and the Malicious have induſ-
"triouſly endeavoured to miſrepreſent and vilify, the political principles of
"the PRINTER OF THE NEWARK HERALD, he gladly embraces the preſent
"oppotunity of ſtepping forward his own vindication; and as the public
"profeſſion of political ſentiments is now ſo general, it may perhaps ap-
"pear neceſſary that his ſhould alſo be laid before the public. Inſtead
"then, of being an enemy to the Conſtitution of this Country, as has
"been reported of him, the Printer ſpontaneouſly and unequivocally aſſerts,
"that he is moſt ſincerely attached to it as it was originally and uncor-
"ruptedly created.—He admires its ſtructure, he warmly approves its
"ſpirit, and he rejoices in looking back and contemplating its beneficial

me and my enemies, and determined the cauſe in my favor. The patronage of the paper from that moment encreaſed and has ſince encreaſed far beyond my expectations. Indeed the NEWARK HERALD is ſo well eſtabliſhed and ſo extenſively approved by the public, that my enemies may now bid adieu to all hopes of its ſpeedy downfal.

"effects;—but at the ſame time he laments the abuſes that have imperceptibly crept into ſo fair a ſyſtem, and he fervently wiſhes to ſee them reformed. In expreſſing this wiſh he is influenced by no improper, no *feaitious* motives. He thinks to reform will be to ſave; to repair, will be to prevent the edifice falling into ruin; and to concede, will be to conciliate the affections of the People, and ultimately *prevent*, not *occaſion*, convulſion. Theſe important objects he hopes to ſee accompliſhed, in a legal, liberal, and peaceable manner. In this hope he is further encouraged from knowing, that the powers of the Conſtitution are fully adequate to its reformation.—In cheriſhing theſe ſentiments, and in publicly avowing theſe opinions, he is perſuaded he is acting as a firm and ſincere friend to the real intereſts of his country. In the rational, temperate, and lawful purſuit of this object, and in his efforts for the preſervation of that ſacred palladium of Engliſh Liberty, the FREEDOM OF THE PRESS, no offer of emolument from the venal, no dread of vengeance from the powerful, no fear of *threats (for threats have been uſed)* from the corrupt and the arbitrary, ſhall ever deter him.—Such are his political opinions—and conformable to theſe opinions, he truſts, has been his conduct as PRINTER OF THE NEWARK HERALD.—Warmed and animated with the Freedom he enjoys in his own Country he has ever cordially rejoiced to mark the extenſion of general Liberty to the reſt of his fellow men; and has exulted with the characteriſtic feelings of an Engliſhman, when it has been his grateful province to record the fall of Deſpotiſm, or the defeat of Tyranny.—In relating thoſe great and aſtoniſhing Events which have recently paſſed before the public eye,—events in which the deareſt intereſts of human nature have been involved—he has endeavoured to be copious, he is convinced he has been impartial, and he is certain his information has been derived from the beſt ſources. In detailing alſo the important occurrences at home, he is conſcious no attachment to Party has ever yet been diſcernable in his conduct, except, indeed, an attachment to that Party to which he publicly avows his adherence,—THE PARTY OF THE PEOPLE."

NEWARK HERALD, *Jan.* 2, 1793.

Here, my Fellow Townſmen, I ſhould cloſe this long addreſs, did there not remain one intereſting charge for me to anſwer, and which I now feel it will be both pleaſing and honourable for me to do.—It is this—I am accuſed of being, as an inhabitant of NEWARK, *a party man!*—I plead guilty to the accuſation! The INDEPENDENT INTEREST of my native place, has ever had, and ever will have, my warmeſt wiſhes, and my firmeſt perſonal ſupport; as far as the wiſhes and the exertions of ſo obſcure an individual as myſelf can go.—Compoſed of men of the firſt character for integrity and the love of Liberty; ſtruggling in the cauſe of local and general Freedom, and ſucceſsfully exerting themſelves to emancipate their fellow Townſmen from the trammels of ariſtocracy, it is an honour to belong to ſuch a party, and I glory in the diſtinction! Ever ſince my mind could diſcriminate between Liberty and Slavery, I have been zealouſly attached to this party from principle and inclination.—I am *now* attached to it by a tie *almoſt* as binding—THE TIE OF GRATITUDE!—Some little time ſubſequent to my late trials, unknown to, and unſolicited by me, the Gentlemen of this party ſubſcribed and applied to my uſe, a very handſome ſum towards defraying the enormous law expences of my various proſecutions*! Such an uncommon inſtance of liberality and public ſpirit, in ſo ſmall a circle, I feel the greateſt poſſible degree of pleaſure in making public; it reflects the higheſt honour on thoſe who raiſed it, and to me it is peculiarly flattering. To have my conduct and principles ſo approved, and my ſlender efforts in the cauſe of Freedom, ſo rewarded, more than overpays years of impriſonment:

* I ſhould think myſelf the moſt ungrateful of men, were I to omit this public opportunity of alſo returning my warmeſt acknowledgments to a Society of Gentlemen of Newark and the neighbourhood, for their flattering and diſintereſted preſent of FIFTY POUNDS!

it makes even confinement a pleaſure. It is an honour of which I ſhall ever be proud, and a gift for which I ſhall ever be grateful!—I now leave it to you, my Fellow Townſmen, to contraſt the conduct of this party, with the conduct of the *humane* Aſſociators;—to mark the unfeeling vindictive malice of the one in purſuing an innocent victim to deſtruction, and the generoſity of the other in ſnatching him from ruin;—I leave it to you to draw this contraſt, and then ſay, to which party I ought to be attached!

In ſpeaking thus warmly of one party, it would give me extreme uneaſineſs were it thought for a moment that I intended to reflect *indiſcriminately* on the other. In that party I know many characters who are ornaments to human nature, who poſſeſs the utmoſt liberality of ſentiment, and whoſe manners and conduct have ſecured them the eſteem of the whole town. God forbid I ſhould reflect on characters like theſe! It is only on the mean, the malicious, the unprincipled and the ſervile, that I wiſh to fix that odium to which the turpitude of their conduct ſo juſtly entitles them; and that odium I believe has been already fixed on their heads by an indignant public. In the hands of that public I therefore leave them, well aſſured, that their flagitious proceedings, will finally meet with the contempt, deteſtation, and abhorrence of all honeſt, diſintereſted men.

And now, my Fellow Citizens, having detained you ſo long on theſe topics, it is high time I wound up the thread of my narrative, and put an end to all further efforts of your patience: I beg pardon for being, I fear, too prolix, minute, and deſultory; and I would alſo apologize for the too glaring inaccuracies of my language, and the various inelegancies of my ſtile; did I not know that your candour and liberality are more than adequate to overlook the deficiencies of both. My object has been to tell a

"*round unvarnished tale*"; I have told it to the best of my ability; had I known how, I would have told it better. Such as it is, I leave it with confidence to you; assured, that however you may dislike the *manner*, you will not fail to do justice to the *matter* contained in the preceding pages.—You will do justice between me and my enemies. By your decision I shall implicitly and with pleasure abide. convinced that it will be the decision of Truth and Impartiality. Believe me, this is not the language of unmeaning complaisance, but the genuine effusion of pure respect and gratitude. To you in particular, my Fellow Townsmen, I principally owe my flattering success in business, and to you it is, that I chiefly look up for future support. Your good esteem, next to the approbation of my own heart, is all I am ambitious to acquire, and should you determine that my conduct entitles me to your regard; should you pronounce that I have honorably suffered in the sacred cause of LIBERTY, my happiness will be then compleat. The *Persecutions* I have already had the honor to experience, are, and ever will be, my pride and exultation, as they have been occasioned by an attachment to that best of all causes; the cause of all mankind—THE CAUSE OF FREEDOM! Imprisonment I shall henceforth unceasingly consider as the most fortunate event of my life, if it is the means of securing me your approbation,

With sentiments of the purest respect, esteem and gratitude,

I remain, Fellow Townsmen,

Your obliged and very faithful

Humble Servant,

First Year of Imprisonment,
NEWGATE, Jan. 21, 1794. } *DANIEL HOLT.*

APPENDIX.

No. I.

A LETTER

FROM

HIS GRACE THE DUKE OF RICHMOND,

TO LIEUTENANT COLONEL SHARMAN;

TO WHICH IS SUBJOINED

A COPY OF HIS GRACE'S BILL,

FOR A

Parliamentary Reform.

"*SIR,*

"I have been honored with a Letter from Belfaſt, dated the 19th of July laſt, written in the name of the Committee of Correſpondence appointed by the delegates of forty five Volunteer Corps aſſembled at Liſburn on the 1ſt of the ſame month, "for taking preparatory ſteps to forward their intentions on the ſubject of a more equal Repreſentation of the People in Parliament," and ſigned by their ſecretary, Henry Joy, jun. Eſq.

In this letter, after ſhewing the corrupt ſtate of the Boroughs in Ireland, the general opinion of the people that the Conſtitution can be reſtored to its ancient purity and vigour by *no* other means than a Parliamentary Reform, and informing me of the ſteps which have been taken and are taking by the Volunteers, in determining to procure this deſirable object, the Committee is pleaſed "to requeſt my ſentiments and advice as to the beſt, moſt eligible and moſt practicable mode of deſtroying, reſtraining, or counteracting this hydra of corruption, Borough influence, in order to lay my opinion before the provincial aſſembly of delegates which is to be held at Dungannon on the 8th of September next."

This great mark of confidence, from gentlemen in whom ſo much truſt is placed, does me great honour; for as I have not the pleaſure of being perſonally known to any of them, I can owe it but to the favourable opinion they are pleaſed to entertain of my conſtant and zealous endeavours in the public ſervice.

I am ſenſible that the only proper return I can make for this honorable diſtinction, is to obey their commands in the beſt manner I am able; for although my inſufficiency for ſo arduous a taſk would afford me but too good an excuſe for declining it, yet I feel it would be inconſiſtent with my ideas of the obligation every man is under to ſerve the public as well as he can; if I was to refuſe giving my opinions, ſuch as they are, when thus called upon by a reſpectable body of gentlemen.

Beſides my inability, I have to regret the want of time to collect and arrange my thoughts in ſuch a manner as to be fit to appear before you, and the neceſſary limits of a letter, which will not admit of the extenſive inveſtigation which a ſubject of this vaſt importance deſerves; for the

though I fear I muſt be long, I am ſenſible I cannot do it juſtice.

The ſubject of a parliamentary reform is that which of all others, in my opinion, moſt deſerves the attention of the public, as I conceive it would include every other advantage which a nation can wiſh; and I have no heſitation in ſaying, that from every conſideration which I have been able to give to this great queſtion, that for many years has occupied my mind, and from every day's experience to the preſent hour, I am more and more convinced that *the reſtoring the right of voting univerſally to every man, not incapacitated by nature for want of reaſon, or by law for the commiſſion of crimes, together with annual elections*, is the only reform that can be effectual and permanent. I am further convinced that it is the only reform that is practicable.

All other plans that are of a palliative nature have been found inſufficient to intereſt and animate the great body of the people, from whoſe earneſtneſs alone any reform can be expected. A long excluſion from any ſhare in the legiſlature of their country has rendered the great maſs of the people indifferent whether the monoply that ſubſiſts, continues in the hands of a more or leſs extended company; or whether it is divided by them into ſhares of ſomewhat more or leſs juſt proportions. The public feels itſelf unconcerned in theſe conteſts, except as to the oppreſſions it endures, and the exactions it ſuffers, which it knows muſt continue ſo long as the people remain deprived of all controul over their repreſentatives. This indifference of theirs, when the laſt attempt was made for additional county members, was uſed by your opponents as an argument againſt all reform; it was aſked with a triumphant air, where are the petitions from the inhabitants of Birmingham, Mancheſter, Halifax, and other great unrepreſented towns? And their ſilence was deemed a proof of

their acquiescence and satisfaction in the present form of elections! The truth is, that the people have been so often deceived, that they will now scarcely trust any set of men; and nothing but self-evident conviction, that a measure tends effectually to the recovery of their rights, can or indeed ought to interest them in its favor.

The lesser reform has been attempted with every possible advantage in its favor; not only from the zealous support of the advocates for a more effectual one, but from the assistance of men of great weight both in and out of power. But with all these temperaments and helps it has failed. Not one proselyte has been gained from corruption, nor has the least ray of hope been held out from any quarter, that the House of Commons was inclined to adopt any other mode of reform. The weight of corruption has crushed this more gentle, as it would have defeated any more efficacious plan in the same circumstances. From that quarter therefore I have nothing to hope. It is from the people at large that I expect any good. And I am convinced that the only way to make them feel that they are really concerned in the business, is to contend for their *full, clear and indisputable rights of universal representation*. I call them such, not only from my own conviction, but from the admission of the friends to the more moderate plan, who in the second address of the Yorkshire committee to the people, confess that our claims are founded on the true principles of the constitution, and only object to them on account of impracticability. But their plan has now had a fair trial, and (if it is from the inclination of parliament that practicability is to be expected) has been found as impracticable as ours. The more extensive plan, at the same time that its operation is more complete, depends on a more effectual support, that of the people.

I am alſo perſuaded that if the ſcheme for additional County members had proceeded any further, infinite difficulties would have ariſen in adjuſting it. Neither the Yorkſhire committee nor Mr. Pitt have the detail of their plan. A juſt reparation would have been a moſt intricate taſk, for where different intereſts are ſeparately repreſented, the proportion is not very eaſy to aſcertain. The doubt you ſtate concerning this mode of reform appears to me well founded; a few great families might divide a County Between them and chuſe the members by a houſe liſt, like Eaſt India Directors. Another difficulty from the increaſe of the number of Members which might render the houſe more tumultous than deliberative, as its weight. But the greateſt objection, in my opinion, to this and to every other narrow and contracted plan of reform, is, that it proceeds upon the ſame bad principle as the abuſe it pretends to rectify; it is ſtill partial and unequal; a vaſt majority of the community is ſtill left unrepreſented! and its moſt eſſential concerns, life, liberty and property, continue in the abſolute diſpoſal of thoſe whom they do not chuſe, and over whom they have no controul. In the arrangements of plans of this kind there is no leading principle to determine that the addition ought to be, one hundred, fifty, or two hundred; that the allotment ſhould be according to the population, property, or taxes paid in each county if that any ſuppoſed proportion between the landed and trading intereſt is the juſt one, and that the diviſion of county and city members will correſpond with this proportion when found. All is at ſea without any compaſs to enable us to diſtinguiſh the ſafe from the dangerous courſe.

But in the more liberal and great plan of *univerſal repreſentation*, a clear and diſtinct principle at once appears that cannot lead us wrong. Not conveniency but right:

If it is not a maxim of our conſtitution, that a Britiſh ſubject is to be governed only by laws to which he has conſented by himſelf or his repreſentative, we ſhould inſtantly abandon the error; but if it is the eſſential of freedom, founded on the eternal principles of juſtice and wiſdom, and our unalienable birth-right, we ſhould not heſitate in aſſerting it. Let us then but determine to act on this broad principle, of *giving to every man his own*, and we ſhall immediately get rid of all the perplexities to which the narrow notions of partiality and excluſion muſt ever be ſubject.

In the digeſting a plan upon this noble foundation we ſhall not find any difficulty that the moſt common underſtanding and pains will not eaſily ſurmount. It does not require half the ingenuity of a common tax bill; and as a proof of this aſſertion I myſelf drew the form of a bill for this purpoſe, which I preſented to the Houſe of Lords in 1780; not as a perfect work, but merely to ſhew how eaſily the objections to the practicability of the plan, and the inconveniences that are ſuggeſted, might be got over.

I believe the ſending you a copy of my bill will be the beſt way of explaining its operations. I have not one ready at this moment, but it ſhall ſoon follow this letter.

I ſhall therefore only mention at preſent a few of its proviſions, which I think entirely remove the moſt plauſible objections that have been urged againſt it.

The preſent number of Members in the Houſe of Commons is preſerved, ſo that all apprehenſion from too numerous an aſſembly ceaſes.

An account of the whole number of males of age in the kingdom is to be taken and divided by the number of members to be ſent, which will find the quota of electors

to chuſe one member; from the beſt accounts I can now get, it will be about *two thouſand and ſix hundred*; theſe are to be formed into diſtricts or boroughs from the moſt contiguous pariſhes; and by having all the elections throughout the kingdom in one and the ſame day, and taken in each pariſh, all fear of riot and tumult vaniſhes.

The great expence of elections, which ariſes chiefly from the coſt of conveying electors to the place of poll, and entertaining them there and on the road, will be no more when every man will vote in his own pariſh. Bribery muſt entirely ceaſe; in a ſingle borough it would be difficult on ſo many as to have any effect, impoſſible. The numbers to be bought would be infinitely too great for any purſe. Beſides, annual parliaments, by their frequency and by their ſhortneſs, would doubly operate in preventing corruption.

The vaſt expence of petitions to parliament on account of illegal returns, would be reduced almoſt to nothing. The points on which theſe conteſts generally turn, are the qualifications of the electors under the numberleſs reſtrictions the preſent laws have impoſed, which require the attendance of witneſſes, the production of records, and are ſubject to infinite diſpute. But when no other qualification ſhall be neceſſary but that of being a Britiſh ſubject, and of age, there can be but little left to contend upon as to the right of electors to vote. All other queſtions, that could afford ground for a petition would be trifling, and might be decided in one day. Many other objections are obviated by the bill, but it is needleſs here to mention them.

But there is another ſort of objection againſt which no proviſion can be made, as it is merely imaginary. It is feared by ſome, that the influence of power and riches

will give to the ariſtocracy ſo great a lead in theſe elections as to place the whole government in their hands. Others again dread, that when paupers and the loweſt orders of the people ſhall have an equal vote with the firſt commoner in the kingdom, we ſhall fall into all the confuſion of a democratic republic. The contrariety of theſe two apprehenſions might of itſelf be a ſufficient proof that neither extreme will take place. It is true, that the pooreſt man in the kingdom will have an equal vote with the firſt, for the choice of the perſon to whom he truſts his all; and I think he ought to have that equal degree of ſecurity againſt oppreſſion. It is alſo true, that men of ſuperior fortunes will have a ſuperior degree of weight and influence: and I think that as education and knowledge generally attend property, thoſe who poſſeſs them ought to have weight and influence with the more ignorant. But the eſſential difference will be, that although the people may be led they cannot be driven. Property will have its weight, as it ever muſt have, in all governments; and I conceive, that in this plan it will preciſely find its juſt proportion combined with talents and character. A man of great property that is beloved and eſteemed, will, as he ought, have the greateſt ſway; but tyranny and oppreſſion though attended with riches may be reſiſted, and will no longer be attended with a burgage tenure at command.

Another ſubject of apprehenſion is, that the principle of allowing to every man an equal right to vote tends to equality in other reſpects and to level property. To me it ſeems to have a direct contrary tendency. The equal rights of men to ſecurity from oppreſſion, and to the enjoyments of life and liberty, ſtrike me as perfectly compatible with their unequal ſhares of induſtry, labour and genius, which are the origin of inequality of fortunes. The equality and inequality of men are both founded in

nature; and whilſt we do not confound the two, and only ſupport her eſtabliſhments, we cannot err. The protection of property appears to me one of the moſt eſſential ends of ſociety; and ſo far from injuring it by this plan, I conceive it to be the only means of preſerving it; for the preſent ſyſtem is haſtening with great ſtrides to a perfect equality in univerſal poverty.

It has been ſaid, that this plan of extending the right of voting to every individual creates much uneaſineſs in the minds of quiet and well diſpoſed perſons; and that if paupers, vagabonds, and perſons of no property, were left out, there would be no objection to extend it to all houſeholders and perſons paying taxes, and that the ſame diviſion into diſtricts might take place. My anſwer is, that I know of no man, let him be ever ſo poor, who in his conſumption of food and uſe of raiment, does not pay taxes, and that I would wiſh to encourage an enthuſiaſm for his country in the breaſt of every ſubject, by giving him his juſt ſhare in its government. I readily admit, that ſuch an alteration would be a vaſt improvement; but I muſt prefer the adhering rigidly to a ſelf-evident principle, eſpecially when attended with no inconvenience in the execution, that I can forſee. Beſides, we ſhould again fall into the difficulties of drawing the line of ſeparation, and into the diſputes about qualification.

The apprehenſions that our government will become too democratic, have been urged on another ground. It has been ſaid, that the Houſe of Commons has uſurped the whole power of government: that the crown in reality no longer poſſeſſes its negative, and muſt in all things be ruled by the Houſe of Commons: that the Houſe of Lords, in conſequence of its excluſion (by the will of the Houſe of Commons and not by law) from interfering in money bills, no longer in fact exerciſes the functions of a

branch of the legiſlature: that the only means by which the balance of the conſtitution is now in any degree preſerved, is by the *irregular* influence of the crown and of the Peers in the Houſe of Commons: and that if they are excluded from interference there, as it is ſuppoſed will be the caſe if this bill paſſes, and are not reſtored to their original ſhare of power, the equilibrium will be deſtroyed, and the Government become purely democratic.

To remedy this objection, it has been anſwered by others, that it is but juſt and reaſonable, and that they mean at the ſame time that the Commons are reſtored to their rights, that the Crown and the Peers ſhould recover theirs. This anſwer has been ridiculed in my opinion with more wit, than ſolidity of argument. It has been repreſented as admitting that whilſt the Houſe of Commons continue corrupt, the King and Lords ſhould ſubmit to its deciſions; but that when it ſhould really ſpeak the voice of the people, then it would be right to revive the dormant powers of reſiſting it.

For my part I agree in opinion with thoſe who are for reſtoring to all parts of the ſtate their juſt rights at the ſame time; to do it generally, not partially, is what I muſt contend for. At the ſame time, I admit that I am not for reſtoring the negative of the crown. My reaſon is, that it appears to me prepoſterous that the will of one man ſhould forever obſtruct every regulation which all the reſt of the nation may think neceſſary. I object to it as I would to any other prerogative of the crown, or privilege of the lords, or people, that is not founded upon reaſon.

But I agree, that if the Houſe of Commons was reduced to its natural dependence on the people alone, and the

preſent ſyſtem of making it the excluſive part of government was continued, we ſhould approach to a pure democracy more than our conſtitution warrants, or than I wiſh to ſee. I am not for a democratic, any more than for a ariſtocratic, or monarchic government, ſolely; I am for that admirable mixture of the three, that our inimitable and comprehenſive conſtitution has eſtabliſhed: I wiſh to ſee the executive part of government revert to where the conſtitution has originally placed it, in the hands of the Crown to be carried on by its miniſters: thoſe miniſters under the controul of parliament; and parliament under the controul of the people. I would not have parliament made, as it daily is, a party concerned in every act of ſtate, whereby it becomes the executive for which it is not calculated, and loſes its ſuperintending and controuling power, which is the main end of its inſtitution. For when the two houſes are previouſly pledged by addreſſes, votes and reſolutions, it becomes extremely difficult for them afterwards to cenſure meaſures in which they have been ſo deeply engaged by acts of their own. Another great inconvenience ariſes from parliament's taking ſo much of the executive of government on itſelf, which is, the exceſſive length of the ſeſſions; an evil which of late has greatly encreaſed. Now that parliament is engaged in every detail in order to ſcreen the miniſter, it never can finiſh its buſineſs till the middle of the ſummer, when the independent country gentlemen, tired of a long attendance and hot weather in town, is retired to his private buſineſs in the country, and that of the public left to be ſettled in thin houſes by a few dependents of the miniſter. A ſhort ſeſſion of two or three months would be ſufficient to examine the expenditure of former grants, to make new ones, to redreſs grievances and paſs ſuch general laws as circumſtances might require. The incon-

veniency and expence to a private member of parliament in attending his duty would then be trifling; and inſtead of forty commoners and three peers to form a quorum to decide the greateſt matters of ſtate, the attendance of two thirds of each body, which would give reſpect to their proceedings, might and ought to be required. I am alſo free to own my opinion, that when the Houſe of Lords ſhall be effectually prevented from having any influence in the Houſe of Commons, as I think it muſt by this bill; it ſhould at the ſame time recover its equal rights in every reſpect with the Houſe of Commons as a co-ordinate branch of the legiſlature. Theſe ſentiments are I think conſonant to the idea ſo well expreſſed in your letter to the volunteer army of the province of Ulſter, " to reſtore to the Crown its original ſplendor, to nobility its ancient privileges, and to the nation at large its inherent rights."

I believe I have now troubled you with all that is neceſſary concerning my plan. My Bill will ſhew the detail as far as concerns the Houſe of Commons and the election of Scotch Peers: The regulations for reſtoring to the Crown its executive and to the Houſe of Lords its deliberative functions ſhould be added to and form a part of this Bill; but I have not as yet had time and leiſure to prepare them.

In what I have ſaid, I have ſhewn my opinion concerning the 1ſt, 3d, 4th, 6th, and 8th queſtions you have propoſed to me. There remains the 2d, 5th and 7th to be conſidered.

In reſpect to the ſecond which I preſume relates to the admiſſion of Roman Catholics to vote at elections, I can only ſay, that the ſame principles which go to civil liberty equally lead to liberty of conſcience: I admire with you the glorious ſpirit of toleration which you ſay has united

the once diſtracted inhabitants of Ireland into one indiſſoluble maſs: And I am ſure that nothing ſhort of evident danger to the ſtate can warrant its interference in religious opinions. But unacquainted as I am with the ſtate of Ireland, it is impoſſible for me to know the preſent temper and diſpoſition of the Roman Catholics there, and thoſe only who are on the ſpot can judge how far excluſions of this ſort are neceſſary, or ought to extend.

With regard to the 5th queſtion, if voting by ballot is adviſable? I am clearly of opinion that it is not. The idea of a ballot can have ariſen but to avoid the effect of ſome improper influence; and I conceive it much more noble, directly to check that influence, than indirectly to evade it by concealment and deceit. I am convinced that trivial circumſtances in things like this tend greatly to form the national character; and that it is moſt conſiſtent with that of a Britiſh or Iriſh freeman, that all his actions ſhould be open and avowed, and that he ſhould not be aſhamed of declaring in the face of his country whom he wiſhes to intruſt with its intereſts. Upon the ſame idea that ballots may be a cover for independence, they muſt alſo be a cloak for bribery and a ſchool for lying and deceit.

As to the 7th queſtion, whether it would not be equitable or expedient that Boroughs now in the poſſeſſion of individuals ſhould be purchaſed by the nation? I think that although no man can have a ſtrict claim in equity to be refunded the loſs of what neither buyer nor ſeller had a right to barter, yet it will be wiſe to purchaſe the good-will, or at leaſt to ſoften the reſiſtance, of the preſent powerful poſſeſſors of boroughs by a moſt ample compenſation. The liberties of a nation cannot be bought too dear; but the whole coſt of theſe boroughs would not

amount to the profits of one jobbing contract.

I have now anſwered all the queſtions you were pleaſed to propoſe; but I muſt mention another advantage which ought to recommend the meaſures you are purſuing to every friend to the internal peace and quiet of the kingdom, which is, that when the people have obtained a regular, legal, and ſpeedy way of giving effect to their ſentiments, there can no longer be any apprehenſion of their endeavouring to redreſs themſelves by mobs and tumults; and even ſuch regular and well conducted meetings as yours will become needleſs. I mention this circumſtance with the more ſatisfaction, as it ſtamps your conduct with the moſt unequivocal marks of diſintereſted patriotiſm. Power, when once acquired, is generally endeavoured to be preſerved by its poſſeſſors; but you after having taken up yours from neceſſity, and employed it uſefully, are now endeavouring with unexampled virtue to render its continuance unneceſſary. For great as your ſervices have been, in ſo ſoon forming a complete army, in the advantages you have procured for your country, in the good order you have preſerved, and in the efficacy you have given to law, you will derive ſtill greater credit, in my opinion, from your good ſenſe in ſeeing that a great military force totally unconnected with the civil government cannot be a permanent eſtabliſhment in a free country, whoſe firſt principle is never to truſt abſolute power in any hands whatever. Your preſent endeavours to reſtore the conſtitution to its purity and vigour evidently tend to make this and every extraordinary inſtitution unneceſſary; for when the people are fairly and equally repreſented in parliament, when they have annual opportunities of changing their deputies, and through them of controuling every abuſe of government in a ſafe, eaſy, and legal way, there can be no longer any reaſon for re-

curring to thoſe ever dangerous though ſometimes neceſſary expedients of an armed force, which nothing but a bad government can juſtify. Such a magnanimous end to your proceedings, when after having reſtored liberty, commerce, and a free government to your country, you ſhall voluntarily retire to the noble character of private citizens, peaceably enjoying the bleſſings you have procured, will crown your labours with everlaſting glory, and is worthy the genuine patriotic ſpirit which animates the Iriſh Volunteers.

Before I conclude, I beg leave to expreſs a wiſh that the mutually eſſential connection between Great Britain and Ireland may ſoon be ſettled on ſome liberal and fair footing. That which did ſubſiſt was on ſuch narrow and abſurd principles that no friend to either kingdom can regret its loſs: founded on conſtraint and dependence, incompatible with the condition of freemen, Ireland had an indiſputable right to diſſolve it whenever ſhe choſe ſo to do. But ſurely, if we do not mean a total ſeparation, it would be right to agree upon ſome new terms by which we are to continue connected. I have always thought it for the intereſt of the two iſlands to be incorporated and form one and the ſame kingdom, with the ſame legiſlature meeting ſometimes in Ireland as well as in England. But if there are difficulties to ſuch an union not to be got over at preſent, ſome ſort of *fœderal union* at leaſt between the two kingdoms ſeems neceſſary to aſcertain the many circumſtances that concern their joint intereſts; and an union of this ſort may now be formed with much greater propriety than before, as it will be ſanctified by the free conſent of independent nations.

I do conceive that ſome ſteps of this ſort is abſolutely neceſſary, becauſe the preſent footing, of ſeparation rather

than union, is too unfair to be able long to ſubſiſt. England, beſides the load of the whole debt contracted for the uſe of both kingdoms, bears all the burdens of naval defence and foreign negociations, and by far more than its proportion of the land ſervice in time of war. But what is worſe, is, that there is no certainty now left that we ſhall have the ſame enemies and the ſame friends: Different intereſts as they may appear, may lead one kingdom to think a war neceſſary, and the other to remain in peace: the ſame king, in his different kingdoms, may think it wiſe to follow the advice of his reſpective parliaments: I need ſcarcely add, that the unavoidable conſequences of ſuch a difference are a *war* between the two kingdoms. Unleſs ſome ſettlement takes place upon theſe and many other important ſubjects, I am far from being clear that it will be for the advantage of liberty in either kingdom, that its Monarch ſhould continue the ſovereign of a neighbouring ſtate with which it has no connection. I am ſenſible that there are great difficulties attending the adjuſtment of ſuch an union, and that it requires great wiſdom and temper to form it, eſpecially on the part of Ireland, which muſt feel that ſhe ought to give the preponderance to Great Britain; but I am ſure the buſineſs ought not to be neglected, and that every true friend to both kingdoms ought to give it his moſt zealous aſſiſtance.

I beg pardon for having gone into a ſubject not immediately belonging to that, upon which you have deſired my opinion, but I thought it ſo connected with it, and at the ſame time ſo important, that I truſt you will excuſe my having introduced it. I fear I have been very long, but it was impoſſible for me to compreſs ſo much matter into a leſs compaſs, and when you wiſhed to have my opinion I thought it beſt to give it fully, or at leaſt as fully as I could in a letter. If it contains one thought that can be

uſeful I ſhall be happy. I have only to aſſure the Committee of the zeal I feel for the cauſe the Volunteers have undertaken, to the ſupport of which I ſhall ever be ready to give every aſſiſtance in my power; and that it is with the higheſt reſpect and admiration for their conduct, that I have the honour to be

Their moſt obedient

and moſt humble Servant,

RICHMOND, &c.

Auguſt 15th, 1783.

A BILL, ENTITLED,

An Act for declaring and reſtoring the natural, unalienable, and equal right of all the Commons of Great Britain (infants, perſons of inſane mind, and criminals incapacitated by law, only excepted) to vote in the election of their Repreſentatives in Parliament: For regulating the manner of ſuch elections: For reſtoring annual Parliaments: For giving an hereditary ſeat to the ſixteen Peers which ſhall be elected for Scotland: And for eſtabliſhing more equitable regulations concerning the peerage of Scotland.

WHEREAS the life, liberty, and property of every man is or may be affected by the law of the land in which he lives, and every man is bound to pay obedience to the ſame.

And whereas, by the conſtitution of this kingdom, the right of making laws is veſted in three eſtates of King, Lords, and Commons, in Parliament aſſembly, and the conſent of all the three ſaid Eſtates, comprehending the

whole community, is neceſſary to make laws which bind the whole community.

And whereas the Houſe of Commons repreſents all the Commons of the realm, and the conſent of the Houſe of Commons binds the conſent of all the Commons of the realm, in all caſes on which the legiſlature is competent to decide.

And whereas no man is, or can be actually repreſented who hath not a vote in the election of his Repreſentative.

And whereas it is the right of every Commoner of this realm (infants, perſons of inſane mind, and criminals incapacitated by law, only excepted) to have a vote in the election of the Repreſentative who is to give his conſent to the making of laws by which he is to be bound.

And whereas the number of perſons who are ſuffered to vote for electing the members of the Houſe of Commons do not at this time amount to *one ſixth* part of the whole commons of this realm, whereby far the greater part of the ſaid commons are deprived of their right to elect their Repreſentatives; and the conſent of the majority of the whole community to the paſſing of laws is given by perſons whom they have not delegated for ſuch purpoſe; and the majority of the ſaid community are governed by laws made by a very ſmall part of the ſaid community, and to which the ſaid majority have not in fact conſented by themſelves or by their repreſentatives.

And whereas the ſtate of election of members of the Houſe of Commons hath in proceſs of time ſo groſsly deviated from its ſimple and natural principle of Repreſentation and equality, that in ſeveral places the members are returned by the property of *one man;* that the ſmalled Boroughs ſend as many members as the largeſt Counties;

and that a majority of the repreſentatives of the whole nation are choſen by a number of voters not not exceeding *twelve thouſand.*

Now for remedy of ſuch partial and unequal Repreſentation and of the many miſchiefs which have ariſen therefrom; and for reſtoring, aſſerting, and maintaining the *rights* of the Commons of this realm, be it declared and enacted, and it is hereby declared and enacted, by the King's moſt excellent Majeſty, by and with the advice and conſent of the Lords Spritual and Temporal and Commons in this preſent Parliament aſſembled and by the authority of the ſame, *That every Commoner of this realm* (excepting only infants, perſons of inſane mind, and criminals incapacitated by law) *hath a natural, unalienable, and equal right to vote in the election of his Repreſentative in Parliament*

And whereas it was accorded by ſtatute in the fourth year of the reign of King Edward the Third, "that a Parliament ſhould be holden every year once, and more often if need be;" which ſtatute was confirmed by another ſtatute paſſed in the 36th year of the reign of the ſaid King Edward the third: And the practice in ancient times was for writs to iſſue for the election of a new parliament every year.

And whereas frequent elections are indiſpenſably neceſſary to enable the commons to alter and amend the choice of their Repreſentatives as they may ſee occaſion; and ſuch elections ought to be as frequent as may be, conſiſtent with the uſe of a repreſentative body: and the ancient practice of annual elections is well calculated for ſuch purpoſe.

And whereas triennial and ſeptennial Parliaments, by rendering the exerciſe of the right of election leſs fre-

quent, tend to make the Repreſentatives leſs dependent on their conſtituents than they always ought to be; and alſo deprive the Commons for many years after they come of age of their franchiſe of electing their own repreſentatives; Be it declared and enacted by the authority aforeſaid, *That the election of members to ſerve in the Houſe of Commons ought to be annual.*

And whereas, in order to reform the manifold abuſes which in proceſs of time have been ſuffered to take root in the manner of electing the Repreſentatives of the Commons, and in order to eſtabliſh a free, true, and equal repreſentation of all the people, it is neceſſary that all the laws reſpecting the election of members of Parliament not applicable to the preſent intended reform ſhould be repealed and annulled, and that the manner of electing the Commons in Parliament, and all matters and things reſpecting the ſame, be new modelled according to the preſent ſtate of the kingdom and to the ancient and unalienable rights of the people: Be it enacted by the authority aforeſaid, That all future elections for Repreſentatives of the Commons of Great Britain in Parliament ſhall be made according to the proviſions and regulations of this act, and not otherwiſe; and that all other acts, laws, cuſtoms, and uſuages contrary thereto, or ſuch parts of them as are inconſiſtent therewith, ſhall be, and the ſame are hereby repealed, annulled, and made void to all intents and purpoſes whatſoever.

And be it further enacted, That the number of members to ſit in the Houſe of Commons ſhall remain and be the ſame as at preſent, and ſhall conſiſt of *five hundred and fifty-eight members.*

And whereas the due proportion of Commoners to elect each member of Parliament can be properly deter-

mined but from a knowledge of the whole number of commoners in the kingdom having a right to vote: Be it enacted, That in order to aſcertain the ſame, this act ſhall forthwith be tranſmitted by one of his Majeſty's principal Secretaries of ſtate to the Miniſter of each pariſh, and likewiſe to each acting Juſtice of the Peace, in Great-Britain: And each of the ſaid miniſters ſhall read, or cauſe to be read, the ſaid act in his pariſh church immediately after divine ſervice and before the ſermon every Sunday in the month of November next: And each of the ſaid Juſtices of the Peace within their reſpective diſtricts ſhall diligently enquire on every Sunday in the ſaid month of November next, whether the ſeveral miniſters have read this act accordingly; and if it ſhall be found that any miniſter ſhall have neglected ſo to do, the Juſtice of the Peace finding ſuch neglect ſhall cauſe this act to be read by ſome other perſon on the next Sunday in ſuch pariſh church in manner aforeſaid.

And be it further enacted, That on the firſt of December next the Miniſter of each pariſh, together with the Churchwardens and Overſeers of the poor, ſhall hold a veſtry at the church in the ſaid pariſh, which ſhall open at eight o'clock in the forenoon and ſhall cloſe at ſix o'clock in the afternoon of the ſame day, at which all perſons, not belonging to the Royal Navy, or ſerving in the embodied Militia or Army, and being on that day in the ſaid pariſh, ſhall have liberty to attend. And the ſaid Miniſter, Churchwardens, and Overſeers ſhall make out a true and correct liſt of the chriſtian and ſurname, trade, occupation, age, and uſual place of dwelling, of all the men of the age of 21 years and upwards, who on that day ſhall be in their reſpective pariſhes, and who ſhall appear and claim a right to vote for the election of members of parli-

ament, and ſhall ſubſcribe and take the following oath before the ſaid Miniſters, Churchwardens and Overſeers, who are hereby enabled and required to adminiſter the ſame viz. "I A. B. do ſwear, that I am a natural born ſubject of Great-Britain, that I am of the age of twenty one years, that I am not ſerving in the embodied militia, nor belonging to the royal navy or army, and that I have not this day been to claim my right of voting for the election of a Member of Parliament, or have been ſworn for the ſame before, in this or any other pariſh or place, ſo help me God." And ſuch liſts ſo made out ſhall be certified, under the ſignature and ſeal of the ſaid Miniſter, and of each of the Churchwardens and Overſeers, who ſhall attend ſuch veſtry, to be a true and correct liſt; and a copy of the ſame ſhall be taken and preſerved by ſuch Miniſter and by each of the ſaid Churchwardens and Overſeers; and ſuch original liſt, together with all the copies of the ſame, ſhall on the 15th day of December next be carried by ſuch Miniſter, Churchwardens, and Overſeers to the Juſtices of the Peace, who are hereby required to hold petty ſeſſions on that day within their reſpective diviſions; and ſuch liſts and copies ſhall then and there be ſworn to as true and correct before ſuch Juſtices of the Peace by ſuch Miniſter, Churchwardens, and Overſeers: and their reſpective affidavits ſhall be certified on the ſaid liſt by ſuch Juſtices of the Peace. And ſuch original liſt, ſo ſworn to, ſhall by ſuch Juſtices of the Peace be tranſmitted to the clerk of the peace of their reſpective counties, or to the town clerk in cities which are counties of themſelves, ſo that ſuch clerk of the peace or town clerk may receive them on or before the firſt of January next. And the ſaid clerks of the peace and town clerks ſhall tranſmit the ſaid liſts to one of his Majeſty's principal Secretaries of State, ſo that he may receive them on or before the 20th of Ja-

nuary next. And one of the ſaid Secretaries of ſtate ſhall forthwith ſend the ſaid liſts to the twelve Judges, who ſhall meet in the Exchequer chamber on the 21ſt of January next for the purpoſe of receiving ſuch liſts.

And be it enacted, That the ſaid twelve Judges, then and there aſſembled, ſhall divide the total number of perſons ſo returned by the number five hundred fifty-eight, being the number of members to be choſen; and the quotient found ſhall be adjudged to be the number of perſons having a right to elect one member of Parliament. And the ſaid Judges ſhall then proceed to compute from the ſaid liſts the number of perſons who have a right to vote in each County, or City being a county of itſelf, in Great Britain; and ſhall determine the number of members to be elected by each county, or city being a county of itſelf in proportion (or as near as may be) to ſuch number of electors in each county or city, giving the advantage to the ſmaller counties or cities where the numbers will not admit of exact diviſion. And the ſaid Judges having ſo determined the number of members to be returned by each county, and city being a county of itſelf, and the number of electors to chuſe one member, ſhall, on or before the 1ſt of February next, tranſmit an account thereof to the Lord High Chancellor of England.

And be it enacted, That the ſaid Lord High Chancellor ſhall, within four days after receiving ſuch account, iſſue his Writ to the High Sheriff of each county, and to the Chief Magiſtrate in each city, which is a county of itſelf in Great Britain, directing him to ſummon a grand jury conſiſting of all ſuch perſons then living as have been heretofore ſummoned on grand juries at the aſſizes in his county, to meet at eight o'clock in the forenoon, on

the 10th of March next, at the uſual place of holding the ſummer aſſizes for his county; and likewiſe the Miniſter, Churchwardens, and Overſeers of each pariſh within his county, to attend the ſaid grand jury. And the ſaid Chancellor ſhall tranſmit to the ſaid High Sheriff and Chief Magiſtrate an account of the number of members, to be returned by his county, and of the number of electors to chuſe one member; which account the ſaid Sheriff and Chief Magiſtrate ſhall deliver, or cauſe to be delivered, to the ſaid Grand Jury when aſſembled.

And be it enacted, That on the 10th of March next, the ſaid High Sheriff of each county, and Chief Magiſtrate of each city, which is a county of itſelf, in Great-Britain, ſhall attend, and be foreman of, the ſaid grand jury: or in caſe of unavoidable abſence another perſon ſhall be choſen as foreman by the ſaid grand jury; and ſuch foreman is hereby authorized and required, firſt to take, and then to adminiſter to every perſon ſummoned and who ſhall attend the ſaid grand jury, the following oath: "I A. B. do ſwear that in the allotment of the ſeveral pariſhes, or parts of pariſhes, into diſtricts for the election of members of parliament within this county, I will act according to the beſt of my judgment and diſcretion, fairly and equally, and for the conveniency of the ſaid diſtricts, ſo help me God." And the ſaid grand jury ſhall then proceed to diſtribute into diſtricts the ſeveral pariſhes of their county. And each diſtrict ſhall conſiſt (as nearly as may be) of ſuch number of perſons, having a right to vote as are allotted to chuſe one member of Parliament according to the liſts made out in ſuch pariſhes, which will appear by the duplicates preſerved by the Miniſters, Churchwardens, and Overſeers, who are hereby required to attend ſuch grand jury with ſuch duplicates. And where

pariſhes ſhall be greatly too large or too ſmall to form diſtricts of themſelves, ſuch pariſhes may be divided or joined either in whole or in part with other contiguous pariſhes, for the purpoſe of forming diſtricts as aforeſaid, according to the judgment and diſcretion of the ſaid Grand Jury. And the ſaid Grand Jury having ſo divided their county into diſtricts, the ſame ſhall be adjudged to be and be called *boroughs*: And the ſaid Grand Jury ſhall affix to each borough the name of the principal pariſh in ſuch borough. And the ſaid Foreman ſhall return into the court of Chancery, ſo that it may arrive there on or before the 1ſt of April next, a liſt of ſuch boroughs within his county, certified under the hands and ſeals of the ſaid foreman and of all the members who attend the ſaid Grand Jury; and ſuch certificate ſhall be in the following form: "We, whoſe names are hereunto ſubſcribed and ſeals affixed, the Foreman and Grand Jury of the county of aſſembled on the 10th of March 178 in purſuance of an act paſſed in the year of his preſent Majeſty's reign entitled An Act, &c. do certify that the above diſtribution is an equal diviſion of the ſaid county, in to diſtricts as directed by the ſaid act, or as nearly ſo as the circumſtances of this county would admit."

And be it enacted, That each of the ſaid boroughs in Great Britain ſhall be entitled in all future elections to elect one member to ſerve in the Commons Houſe of Parliament, and no more. And each member ſo elected ſhall be called a burgeſs. And the ſaid burgeſſes ſhall conſtitute and form the Houſe of Commons of Great Britain. And no county, city, or borough (other than is directed by this act) ſhall in future be entitled to ſend any Knight, Citizen, or Burgeſs of Parliament.

And be it enacted, That the Lord High Chancellor,

having received the returns herein before directed, to be made to him by the ſaid foreman of Grand Juries, ſhall, on or before the 15th of April next, iſſue his Writ to the High Sheriff of each county, and to the Chief Magiſtrate of each city being a county of itſelf in Great Britain, for the election of one member to ſerve in parliament for each of the ſeveral boroughs within his county or city; And the form of the ſaid writs ſhall be ſuch as is annexed to this act. And the ſaid High Sheriff and Chief Magiſtrate ſhall, within four days after the receipt of the ſaid Writ, iſſue his precept to the Head Conſtable or ſenior Peace officer, for the time being, of each borough within his county or city, (who is hereby appointed returning officer of ſuch borough) for the election of one member to ſerve in Parliament for the ſaid borough; and the form of the ſaid precept ſhall be ſuch as is annexed to this act.

And be it enacted, That the returning officer of each borough ſhall on the 15th of May next cauſe proclamation to be made in each Pariſh within his borough, that the day fixed for chuſing a new Parliament is the firſt of September following; and that every perſon, intending to offer himſelf as a candidate for the ſaid borough, and duly qualified by law, is to ſend to him the ſaid returning officer a declaration in writing, ſigned by ſuch perſon, of his being a candidate to repreſent the ſaid borough; ſo that he the ſaid returning officer may receive the ſame on or before the 15th of June next. And the ſaid returning officer ſhall, on the 16th of June next, cauſe the ſaid declaration or declarations to be proclaimed in every pariſh within his borough, and a copy thereof, atteſted under his ſignature, to be affixed on the door of the Church of every pariſh within his borough; or in caſe he ſhall not have received any ſuch declaration he ſhall make procla-

mation that there are no candidates for the ſaid borough. And it ſhall and may be lawful for the inhabitants of ſuch borough to aſſemble in their reſpective pariſhes on the 17th of June next, to conſider of the candidates (if any) who offer, and to declare any other candidate or candidates they may think proper, by writing addreſſed to the returning officer and ſigned by not leſs than one hundred of the ſaid inhabitants; provided ſuch declaration be delivered to the ſaid returning officer before ſix o'clock in the evening on the ſaid 17th day of June next, and that the qualification of ſuch candidate or candidates to ſit in Parliament be ſituate within the ſaid borough. And the ſaid returning officer ſhall, on the 18th of June next, cauſe a liſt of all ſuch candidates, diſtinguiſhing thoſe who offer themſelves from thoſe who are ſet up by the inhabitants, to be proclaimed in every pariſh within his borough, and likewiſe a copy of ſuch liſt atteſted under his ſignature to be affixed on the door of the church of every pariſh within his borough. And the ſaid returning officer ſhall, on the ſaid 18th of June next, tranſmit by the poſt to one of his Majeſty's principal Secretaries of State a liſt of ſuch candidates; and one of the ſaid Secretaries of State ſhall cauſe the ſame to be inſerted in the Gazette on or before the 15th of July next: And no other perſon ſhall thereafter become a candidate for ſuch borough at ſuch election.

And be it enacted, That every perſon who ſhall be ſo declared by one hundred of the inhabitants of any pariſh to be a candidate for the borough in which ſuch pariſh is ſituate, and whoſe qualification ſhall at the time of ſuch declaration be ſituate within the ſaid borough, ſhall, if choſen, be compellable to attend parliament like other members. Provided always that no perſon having ſerved for one parliament ſhall be compellable to ſerve again.

And be it enacted, That the ſenior peace officer for the time being of each pariſh ſhall act as deputy to the returning officer of the borough in which ſuch pariſh is ſituate, and ſhall in all things reſpecting this act pay due obedience to ſuch directions as he ſhall receive from the returning officer, and previouſly to his acting as his deputy ſhall take the following oath before the ſaid returning officer, "I B. C. will faithfully and honeſtly diſcharge my duty as deputy to the returning officer of the borough of in the election of a Member of Parliament, ſo help me God," which oath the ſaid returning officer is hereby authorized and required to adminiſter.

And be it enacted, That on the firſt of September next the ſenior peace officer in each pariſh throughout the kingdom of Great-Britain ſhall make proclamation at 8 o'clock in the forenoon, at the church of the ſaid pariſh, that he is immediately proceeding to the election of a member to ſerve in parliament for the borough in which ſuch pariſh is ſituate; and that ſuch election will cloſe at ſix o'clock on the ſame evening. And ſuch ſenior peace officer ſhall then declare the names of ſuch perſons as are legal candidates for ſuch borough, and read or cauſe to be read the clauſes in this act, which inflict penalties on perſons who ſhall be found guilty of perjury, bribery, corruption, or other offences, againſt this act, and which incapacitate perſons convicted of certain crimes from being elected, or from voting for the election of, a Member of Parliament. And the ſaid ſenior peace officer ſhall then proceed to collect the votes, by taking a poll in ſuch manner, as is herein after directed, of all ſuch men as ſhall on that day be in the ſaid pariſh and ſhall offer themſelves to vote. And ſuch poll ſhall continue open until ſix o'clock in the afternoon of the ſame day and no longer. And every man offering himſelf to vote, ſhall give an account of his

chriſtian name, ſurname, trade or occupation, and uſual and laſt place of abode, and ſhall ſign his name or make his mark oppoſite to an entry thereof which ſhall be made in a book to be provided by the ſenior peace officer for ſuch purpoſe. And every man offering himſelf to vote ſhall take the following oath, which the ſaid officer is hereby authorized and required to adminiſter; "I A. B. do ſwear that I am a natural born ſubject of Great Britain, that I am twenty-one years of age, that I have not on this day voted before in this pariſh or in any other pariſh or place for the election of a Member of Parliament: that I am not an officer, non-commiſſioned officer, warrant officer, drummer, or private man in the embodied militia, navy, or army: and that my chriſtian name, ſurname, trade, occupation, and uſual and laſt place of abode is ſuch as by me now declared, ſo help me God." And every man offering himſelf to vote ſhall further take ſuch oath or oaths as are, or may be enacted againſt bribery and corruption. And every man whatever (not of infane mind or a criminal incapacitated by law) offering himſelf to vote in any pariſh, who ſhall have given an account of himſelf as aforeſaid, and ſhall have taken the aforeſaid oaths, ſhall be admitted to vote at ſuch elections for ſuch legal candidate as he ſhall think fit.

And be it enacted, That in caſe the ſaid ſenior peace officer ſhall have cauſe to ſuſpect that any perſon voting at ſuch election is not entitled to vote according to the true intent and meaning of this act, or ſhall be requeſted by any of the candidates or by any of their agents to place a quere oppoſite to the name of any voter with the reaſon of ſuch quere, but ſhall not refuſe to take the vote of any man who ſhall have ſigned the book and taken the oaths aforeſaid: and the validity of ſuch quered vote ſhall after-

wards be determined, upon petition, by the committee of the Houſe of Commons to which ſuch election ſhall be referred. And ſuch peace officer ſhall on the day next after the election deliver to the returning officer of his borough the poll book ſo taken. And the ſenior peace officer of every pariſh ſhall provide a ſufficient number of clerks to aid and aſſiſt him in taking the ſaid poll. And the Juſtice of the peace in their quarter ſeſſions, to be held next after ſuch expence for the hire of the ſaid clerks and the purchaſe of the ſaid books ſhall have been incurred, ſhall allow the ſame, or ſo much as they ſhall deem reaſonable and ſuch expences ſo allowed ſhall be paid by the treaſurer of the county out of the county rates.

And whereas men ſerving as officers, non-commiſſioned officers, warrant officers, drummers, or private men in the embodied militia, navy or army, may at the time of election be aſſembled together in large bodies in places diſtant from their reſpective pariſhes, and if ſuffered to vote like other ſubjects for whatever borough they may chuſe might combine together under improper influence and vote in bodies, and thereby decide the election in places to which they do not belong, and where they have no connection, to the prejudice of the inhabitants of ſuch places and of the kingdom at large: And whereas it would be unjuſt that men who expoſe their lives for the defence of their country ſhould be deprived of thoſe eſſential rights which are by this act reſtored to every ſubject. Be it enacted, for the preſervation of ſuch rights, and for the prevention of ſuch inconveniencies. That every officer, non-commiſſioned officer, warrant officer, drummer, and private man in the embodied militia, navy or army, ſhall be entitled to vote for the election of a member to repreſent him in Parliament, in the manner herein after directed, and not otherwiſe.

And be it enacted, That every officer, non-commiſſioned officer, warrant officer, drummer, and private man in the navy or army, and every officer, non-commiſſioned officer, and drummer of militia when embodied, ſhall (if he ſhall ſo think fit) as ſoon as he ſhall arrive, or be, in any port or place within this kingdom, go before and be examined upon oath by a Juſtice of the Peace touching the place of his laſt ſettlement if in England or of his birth if in Scotland; and ſuch Juſtice of the peace ſhall for the purpoſe of this act adjudge the ſame accordingly, and give a certificate of ſuch adjudication to the commanding officer of the ſhip, or corps to which ſuch man belongs; and when any man ſhall enter or enliſt, or receive a commiſſion in the militia, navy or army, a ſimilar proceeding in reſpect to ſuch man ſhall be had if required; and the ſaid commanding officer ſhall, from time to time, within eight days after the receipt of any ſuch certificate from a Juſtice of the Peace, tranſmit the ſame to the office of Admiralty or War office; and ſuch certificate ſhall be filed and kept in the ſaid office as matter of record. And the board of Admiralty or Secretary at War, ſhall, within one month after the receipt of ſuch certificate, cauſe a copy thereof atteſted by the Secretary or chief clerk of the ſaid office to be tranſmitted to the pariſh to which ſuch man is adjudged to belong. And in caſe any man ſhall be removed or drafted from one ſhip or corps to another, an account of ſuch removal ſhall in like manner be certified to ſuch pariſh; and all ſuch certificates ſo tranſmitted to ſuch pariſh ſhall be preſerved in a cheſt in the church of ſuch pariſh.

And be it further enacted, That every officer, non-commiſſioned officer, warrant officer, drummer, or private man in the navy, or army, ſhall be entitled to vote for the elec-

tion of a Member of Parliament only for the Borough in which the pariſh to which he has been ſo adjudged to belong is ſituate: And every officer ſerving in the militia, who ſhall have delivered in to the clerk of the peace his qualification, ſhall, during the time he is embodied, be entitled to vote for the election of a Member of Parliament only in ſuch borough where ſuch qualification, or the greater part thereof, is ſituate: And every other officer, non-commiſſioned officer, and drummer of militia, ſhall during the time he is embodied, be entitled to vote for the election of a Member of Parliament only in ſuch borough in which the pariſh he ſhall have been ſo adjudged to belong is ſituate: And every private militia man, while he is embodied, ſhall be entitled to vote for the election of a Member of Parliament only for the borough in which the pariſh he ſhall then be ſerving for is ſituate. And the clerk of the peace in each county where the militia is or ſhall be raiſed, ſhall on the firſt of Auguſt next make out a certificate of the qualification delivered to him of each officer who ſhall then be ſerving in the embodied militia, and ſhall ſign and tranſmit the ſame to the ſenior peace officer of the pariſh in which the ſaid qualification, or the major part thereof, is ſituate.

And be it enacted, That as ſoon as the liſt of candidates ſhall appear in the Gazette, every officer, non-commiſſioned officer, warrant officer, drummer and private man in the embodied militia, navy or army, who ſhall at that time be reſiding in Great Britain, or be in any port within the kingdom, ſhall, within twenty-ſix days after the ſaid publication in the Gazette, (that is, on or before the 10th of Auguſt next) have a right to go before a Juſtice of the Peace, and give his vote in favour of any perſon who is a legal candidate for ſuch borough as he is entitled

to vote for. And the ſaid Juſtice of the Peace ſhall read to ſuch perſon a liſt of the candidates for the borough for which he ſhall claim a right to vote, as publiſhed in the Gazette; and alſo the clauſes in this act which inflict penalties on perſons who ſhall be found guilty of perjury, bribery, corruption, or other offences againſt this act, and which incapacitate perſons convicted of certain crimes from being elected, or from voting for the election of a Member of Parliament: and ſhall likewiſe adminiſter to ſuch perſons the following oath; "I A. B. do ſwear that I am a natural born ſubject of Great Britain, that I am twenty-one years of age, that I am an officer, non-commiſſioned officer, warrant officer, drummer, or private man in the embodied militia, navy or army *(as the caſe may be, ſpecifying the ſhip or corps to which ſuch perſon belongs)* and that I have not before voted for any other place than that for which I now claim a right to vote." And likewiſe ſuch oath or oaths as are, or ſhall be, enacted againſt bribery and corruption. And ſuch Juſtice of the Peace ſhall then take an account of the name, rank, and corps of ſuch perſon, and of the candidate for whom he ſhall vote; which account ſhall be ſubſcribed and ſworn to by ſuch perſon, and certified by ſuch Juſtice of the Peace, who ſhall by the next poſt tranſmit the ſame to the returning officer of the borough for which ſuch perſon ſhall vote, ſuch perſon paying to the clerk of the ſaid Juſtice of the Peace one ſhilling for the ſame; and no more. And the returning officers of the ſeveral boroughs ſhall not be chargeable with any duty of poſtage for letters containing ſuch certificates.

And be it enacted, That one of his Majeſty's principal Secretaries of State ſhall cauſe the Gazette or Gazettes, containing the ſaid liſt of candidates, to be tranſmitted,

as ſoon as publiſhed, to every acting Juſtice of the Peace within the kingdom.

Provided always, That nothing in this act contained ſhall deprive or be conſtrued to deprive any perſon belonging to the militia when diſembodied, from voting in ſuch borough as he ſhall think fit, in the ſame manner as all other commoners are by this act, enabled to do.

And be it enacted, That the ſaid returning officer ſhall, immediately after having received the poll books, proceed with the aſſiſtance of the peace officers who have taken the poll books, to examine the ſaid poll books, together with ſuch certificates as ſhall have been made to ſuch returning officer from Juſtices of the Peace of the votes given by perſons in the embodied militia, navy and army, for his borough; and ſhall compare ſuch certificates of votes with the certificates before tranſmitted from the Admiralty, or War-office, of the adjudications reſpecting ſuch right of voting; and with the certificates of the clerks of the peace concerning the qualification of officers of militia: And ſuch of the ſaid votes as ſhall appear to the ſaid returning officer to be legal votes, ſhall be by him admitted as ſuch; And ſuch returning officer ſhall, within three days after the election, declare that candidate to be duly elected who ſhall appear from the poll books, and from the certificate votes, to have the greateſt number of legal votes in his favour, admitting ſuch as are queried. And the ſeveral returning officers ſhall, immediately after having made ſuch declaration, make their returns to the precepts from their reſpective High Sheriffs. And the reſpective High Sheriffs ſhall immediately after receiving ſuch returns from the returning officers, make their returns to the writs from the Lord High Chancellor. And the Lord High Chancellor ſhall cauſe a liſt of

the names of the members who are returned for the reſpective boroughs, to be publiſhed in the Gazette, on or before the the firſt of October next.

And be it enacted, That it ſhall be lawful for every commoner (poſſeſſing a land qualification as by law directed) to offer himſelf as a candidate for any borough within the kingdom, and for as many boroughs as he ſhall think proper; and if any candidate is returned a member for more than one borough, ſuch member ſhall, within fourteen days after the liſt of members returned ſhall have been publiſhed in the Gazette, make his option in writing, directed to the Lord High Chancellor of England, of the place for which he chuſes to ſerve. And the Lord High Chancellor ſhall forthwith iſſue a new writ for a new election for that borough, or thoſe boroughs, for which ſuch member hath not made his option to ſerve. And in caſe any vacancy ſhall happen for any borough previous to the election of a ſpeaker of the Houſe of Commons, the Lord High Chancellor ſhall iſſue his writ for filling up ſuch vacancy; and in caſe any vacancy ſhall happen for any borough after a ſpeaker is choſen, the ſpeaker ſhall iſſue his warrant for filling up ſuch vacancy.

And be it enacted, That when any vacancy for a borough is to be filled up, ſuch perſons only as by the poll books or certificates ſhall appear to have actually voted at the laſt general election in or for the borough where ſuch vacancy ſhall happen, ſhall have a right to vote at the election occaſioned by ſuch vacancy.

And be it enacted, That the Houſe of Commons, ſo choſen, ſhall meet every year, when ſummoned by his Majeſty's proclamation for the diſpatch of buſineſs: That all petitions concerning undue returns ſhall be preſented the firſt day of the ſeſſions: That the Houſe of Commons,

immediately after ſwearing their members, ſhall proceed to chuſe Committees, as by law directed, to decide elections againſt which petitions ſhall have been preſented: That no other buſineſs ſhall be proceeded on until all the ſaid controverted elections ſhall be decided: That ſeveral Committees may proceed at the ſame time on different elections: That the houſe ſhall ſit and be called over every day until Committees for all conteſted elections ſhall be formed: That no Committee ſhall be allowed to ſit longer than three days for the determination of any election: That no counſel for any of the parties ſhall be allowed to ſpeak after the firſt day: and that the witneſſes ſhall be examined by the Committee and not by the counſel.

And be it declared and enacted by the authority aforeſaid, That the Houſe of Commons ſo elected ſhall be taken and reputed to be the only true repreſentatives of all the Commons of Great Britain, and ſhall by the conſent of the ſaid repreſentatives, or by the majority of them bind the conſent of all the Commons of Great Britain, in all matters and things on which the ſaid Houſe of Commons is competent to decide, and to the paſſing of all ſuch laws as parliament hath a right to enact.

And be it further enacted, That the Houſe of Commons ſo choſen, ſhall continue and be the repreſentatives of the Commons of Great Britain for one year only, and no longer; to be computed from the firſt day of September on which ſuch election ſhall have taken place. And that on the firſt day of September in every year, for ever after, (or on the ſecond of September when the firſt ſhall fall on a Sunday) all the Commons of Great Britain (excepting only minors, perſons of inſane mind, and criminals incapacitated by law) ſhall proceed to the election of new

burgeſſes, in the ſame manner and form as is herein before directed to be obſerved for the election of burgeſſes for the year next enſuing.

And whereas the oaths, which by this act are directed to be taken, for preventing the admiſſion of illegal votes, may not be a ſufficient guard againſt the ſame, unleſs the breach of ſuch oaths be attended with puniſhments adequate to ſuch offences, be it enacted, That in caſe any perſon ſhall be duly convicted of wilful perjury, in falſely taking any of the oaths preſcribed by this act, every ſuch perſon ſhall be committed to the common gaol of the county where ſuch offence ſhall have been committed, there to remain without bail or mainprize for the ſpace of three years, and be incapable of ever voting again in any borough for the election of a Member of Parliament. Provided always that every proſecution for ſuch offence ſhall be commenced within twelve calendar months next after the ſame ſhall have been committed, and not afterwards.

And be it enacted, That no perſon who has been or ſhall be duly convicted in a court of law within this realm of the crimes of high treaſon, treaſon, murder, felony, perjury, forgery, grand or petty larceny, or any of them, ſhall be capable of being elected, or of voting for the election of a Member of Parliament in or for any borough within this kingdom.

And be it further enacted, That if any perſon herein directed to perform or do any matter or thing relative to the carrying this act into execution, ſhall neglect, or refuſe to pay due obedience thereto, in ſuch manner, and at ſuch times, as is, and are herein preſcribed, every perſon ſo offending ſhall forfeit the ſum of five hundred pounds

to any perſon who ſhall ſue for the ſame in any of his majeſty's courts of record at Weſtminſter by action of debt, bill, plaint or information, wherein no eſſoin, protection, or wager of law, nor more than one imparlance ſhall be allowed. And in caſe ſuch offender ſhall be the Lord High Chancellor, or any of the Judges, or either of the Secretaries of State, or any Clerk of the Peace, he ſhall, over and above ſuch penalty, be, from the time of ſuch conviction, incapable of ever holding any office of truſt or profit. Provided always that every ſuit, action, or proſecution for ſuch offence, ſhall be commenced within twelve calendar months next after the ſame ſhall have been committed, and not afterwards.

And whereas the Peers of Scotland in the Parliament of Great Britain are at preſent elected for ſeven years, whereby the ſaid Peers of Scotland are not upon the ſame footing with the hereditary Peers of England, be it enacted by the authority aforeſaid, That the Peers of Scotland ſhall, on the firſt day of September next, proceed to the election of ſixteen Peers to ſit in the parliament of Great Britain for the kingdom of Scotland, and that ſuch ſixteen Peers ſo elected, and their heirs male ſucceeding to their peerage, ſhall, from the time of ſuch election, continue to ſit and vote in the parliaments of Great Britain, as Peers of Scotland, without any new election for ſuch purpoſe. And when any vacancy ſhall happen, by the extinction of the male line in any of the peerages belonging to the Peers elected to repreſent the peerage of Scotland in the parliament of Great Britain, ſuch vacancy ſhall be filled up by a Peer of Scotland, to be choſen by the Peers of Scotland; and the Peer ſo choſen, and his heirs male ſucceeding to his title, ſhall, from the time of ſuch election, continue to ſit and vote in the parliaments

of Great Britain, as a Peer of Scotland, without any new election for ſuch purpoſe.

And whereas Peers of Scotland having a right to ſit and vote in the parliament of Great Britain, whether by election of the Peers of Scotland, or by being alſo Engliſh peers, ought not to have another vote to be repreſented in the ſaid parliament, be it enacted, That no perſon having a right to ſit and vote in the parliament of Great Britain, either as a Peer of England or of Scotland ſhall have a right to vote for the election of a Peer of Scotland to ſit and vote in the ſaid parliament of Great Britain.

And whereas the Peers of Scotland, not elected to ſit and vote in the parliament of Great Britain, will have a more diſtant proſpect of being ſo elected, when the right of ſitting and voting is hereditary in the male line of the families of the peers ſo elected, and when there will be no new elections excepting when ſuch peerages in the male line ſhall become extinct; and it is unreaſonable that the Peers of Scotland not elected as aforeſaid, ſhould for ſo long a time be deprived of the capacity, which all other ſubjects within the realm have of being created peers of Great Britain, and of being elected members of the Houſe of Commons: And whereas it is alſo unreaſonable that the eldeſt ſons, and heirs apparent, of Peers of Scotland ſhould not be eligible to repreſent the commons of Scotland, in the ſame manner as they, and the eldeſt ſons, and heirs apparent of the Peers of England, are eligible to repreſent the commons in England, be it enacted by the authority aforeſaid, That all Peers of Scotland, as likewiſe the eldeſt ſons, and heirs apparent, of Peers of Scotland, ſhall in future be capable of being created Peers of

Great Britain, and of ſitting and voting in parliament in conſequence of ſuch creation, and that the prior poſſeſſion of a peerage of Scotland, or being eldeſt ſon or heir apparent, of a Peer of Scotland, ſhall be no bar or hinderance to ſuch new creation. And that all Peers of Scotland, not elected to ſit and vote in the parliament of Great Britain, and the eldeſt ſons, and heirs apparent, of Peers of Scotland, ſhall be, and they are hereby declared to be capable of being choſen to repreſent the Commons of Great Britain, for any borough within the realm, in the ſame manner as other perſons not having a right to ſit and vote in the Houſe of Lords. And that the poſſeſſion of ſuch peerage of Scotland, or the being eldeſt ſon, or heir apparent, of a Peer of Scotland, ſhall be no bar or hinderance to ſuch election, in any borough or place within the realm.

Form of the writ to be iſſued by the Lord High Chancellor, on or before the 15th of April, every year, to the High Sheriff of each county, and to the Chief Magiſtrate of each city, being a county of itſelf, in Great Britain.

GEORGE the third, by the grace of God of Great-Britain, France and Ireland, King, defender of the faith, and ſo forth. To the Sheriff of the county (or city) of greeting: Whereas by the advice and aſſent of our council for certain arduous and urgent affairs, concerning us, the ſtate and defence of our kingdom of Great Britain, and the church, we have ordered a certain parliament to be holden at our city of Weſtminſter, on the day of next enſuing, then and there to treat and have conference with the prelates and great men and peers of our realm, therefore we command and ſtrictly enjoin you, that you cauſe proclamation of the day and place aforeſaid to be made in your next coun-

ty court to be holden after the receipt of this our writ, and that within four days after receiving this our writ, you iſſue your precept to the Head Conſtable or Senior Peace Officer for the time being, of each borough within your county (or city) for the election of one member to ſerve in parliament for ſuch borough, directing him, on the 1ſt of September next, to cauſe one burgeſs of the moſt ſufficient and diſcreet, freely and indifferently, to be elected by thoſe who ſhall be preſent at ſuch election, according to the form of an act paſſed in the year of our reign entitled "An act for declaring and reſtoring the natural, unalienable and equal right of all the commons of Great Britain (infants, perſons of inſane mind, and criminals incapacitated by law, only excepted) to vote in the election of their repreſentatives in parliament: For regulating the manner of ſuch elections: For reſtoring annual Parliaments: For giving an hereditary ſeat to the ſixteen Peers which ſhall be elected for Scotland: And for eſtabliſhing more equitable regulations concerning the peerage of Scotland." And the names of thoſe burgeſſes ſo to be elected (whether they be preſent or abſent) you cauſe to be inſerted in certain indentures to be thereupon made between you and thoſe who ſhall be preſent at ſuch election and them at the day and place aforeſaid, you cauſe to come in ſuch manner, that the ſaid burgeſſes for themſelves and the commonality of the ſaid boroughs, may have from them full and ſufficient power to do and conſent to thoſe things which then and there by the common council of our ſaid kingdom (by the bleſſing of God) ſhall happen to be ordained upon the aforeſaid affairs, ſo that for want of ſuch power, through an improvidedt election of the ſaid burgeſſes, the aforeſaid affairs may in no wiſe remain unfiniſhed. Willing nevertheleſs that neither you nor any other Sheriff

of this our ſaid kingdom be in any wiſe elected. And that the elections, in the full boroughs in your county, ſo made diſtinctly and openly under your ſeal and the ſeals of thoſe who ſhall be preſent at ſuch election, you do certify to us in our Chancery, at the place aforeſaid, immediately after returns ſhall have been made to your precepts from the aforeſaid head conſtables or ſenior peace officers of each borough within your ſaid county, (or city), remitting to us one part of the aforeſaid indentures annexed to theſe preſents, together with this writ. Witneſs ourſelf at Weſtminſter the day of in the year of our reign.

Form of the precept to be iſſued by the High Sheriff of each county, and by the Chief Magiſtrate of each city, being a county of itſelf, in Great Britain, every year, within four days after receiving the writ from the Lord High Chancellor, to the Head Conſtable or Senior Peace Officer, for the time being, of each borough within his county or city.

——(*to wit*) A. B. Eſq. Sheriff of the county (or city) aforeſaid, To the head conſtable or ſenior peace officer of the borough of in my ſaid county (or city) greeting: By virtue of his Majeſty's writ under the great ſeal of Great-Britain to me directed for electing a burgeſs to ſerve in the parliament to be holden at the city of Weſtminſter on the day of next enſuing, for the borough of aforeſaid, Theſe are therefore to will and require you that you make proclamation within the ſaid borough of the day of election, and cauſe freely and indifferently to be elected one burgeſs of the moſt ſufficient and diſcreet, by thoſe who ſhall be preſent at ſuch election, according to the form of an act paſſed in the year of our reign, en-

titled "An act for declaring and reſtoring the natural, unalienable, and equal right of all the commons of Great Britain (infants, perſons of inſane mind, and criminals incapacitated by law, only excepted) to vote in the election of their repreſentatives in parliament: For regulating the manner of ſuch elections: For reſtoring annual parliaments: For giving an hereditary ſeat to the ſixteen Peers which ſhall be elected for Scotland: And for eſtabliſhing more equitable regulations concerning the Peerage of Scotland."——And the name of the ſaid burgeſs ſo elected (whether he ſhall be preſent or abſent) you cauſe to be inſerted in certain indentures to be made between me and thoſe who ſhall have intereſt in ſuch election, and that you cauſe him to be and appear at his ſaid Majeſty's parliament to be holden at the ſaid city of Weſtminſter on the ſaid day of next enſuing, ſo that the ſaid burgeſs may have full and ſufficient power for himſelf and the commonalty of the ſaid borough to do and conſent to thoſe things which of the common council of the ſaid realm ſhall be requiſite and neceſſary to be done. And you are not to elect me or any other Sheriff of Great Britain. And the ſaid election you are forthwith to certify to me, ſending to me one part of the ſaid indentures annexed to this precept, that I may certify the ſame to his Majeſty in Chancery; herein fail not. Given under the ſeal of my office this day of in the year of the reign of our ſovereign Lord George the third, of Great-Britain and ſo forth, and in the year of our Lord

NOTE.

The Form of the Writs and Precepts ſtill in uſe, (which

is ſuppoſed to be very antient,) has been adhered to as much as poſſible. And it is remarkable that theſe writs to the Sheriff ſtill direct, that all the members for the county, and for every city, and for *every borough* in his county, *ſhall be elected by thoſe who at the proclamation* (to be made in the county court) *ſhall be preſent*, according to the to the form of the ſtatute in ſuch caſe made and provided: Indentures are to be made between the Sheriff and *thoſe who ſhall be preſent at ſuch election*; the election is to be made in *his full county* diſtinctly and *openly*, and the members are to come *in ſuch manner* that they may have *for themſelves, and the commonality of their reſpective boroughs, &c. ſufficient power to do and conſent to thoſe things which by the common council of the kingdom may happen to be ordained upon the ſaid affairs* (on which parliament is ſummoned) *ſo that for want of ſuch power, through an improvident election of them, the ſaid affairs may in no wiſe remain unfiniſhed.*

The precept from the Sheriff alſo directs the returning Officers of cities and boroughs, that two members ſhall ſpeedily and *indifferently be elected by thoſe who ſhall be preſent at the ſaid election*, according to the form of the Statute in ſuch caſe made and provided.

No. II.

No. II.

MR. PITT's SPEECH

ON A

Parliamentary Reform.

Extracted from the NEW ANNUAL REGISTER, *for the Year* 1782.

"FOR a conſiderable time paſt, public meetings had been occaſionally holden, in various parts of the kingdom, in which the ſtate of parliamentary repreſentation was the ſubject of diſcuſſion, in which its inadequateneſs was ſtrongly pointed out, and in which ſpirited reſolutions were entered into relative to the neceſſity of a more equal repreſentation of the people. Many meetings of this kind took place in the courſe of the year 1782, in the metropolis, and in different counties, cities, and towns of the kingdom. On the firſt of February, at a common-hall of the livery of the city of London, at Guild-hall, it was reſolved, "That the unequal repreſentation of the people, the corrupt ſtate of parliament, and the perverſion thereof, from its original inſtitution, had been the principal cauſes of the unjuſt war with America, of the conſequent diſmemberment of the Britiſh Empire, and of every grievance of which the nation complained. That theſe grievances could never be removed, until the right of the people to their conſtitutional ſhare in the Engliſh government ſhall be re-eſtabliſhed, by a fair and equal repreſentation in parliament, and a frequent election of their repreſentatives, according to ancient uſuage. That a com-

mittee of the livery of London ſhould be appointed, for the purpoſe of obtaining a reſtoration of theſe rights: and that the ſaid committee ſhall take the moſt effectual methods for obtaining a more equal repreſentation of the people in parliament, and a frequent election of the repreſentatives, according to ancient uſuage; and that, for theſe purpoſes, they ſhould concur and correſpond with other committees throughout the kingdom." Similar reſolutions were made at other meetings, and by other bodies; and, in particular, the committee of aſſociation for the county of York exerted themſelves with much ſpirit and ability in the management of this buſineſs, and publiſhed ſeveral addreſſes to the public on this important ſubject.

"Theſe exertions of the people at length cauſed the matter to become in ſome degree an object of diſcuſſion in the houſe of commons. It was introduced into that aſſembly on the 7th of May, 1782, by Mr. William Pitt. That gentleman then obſerved, that the repreſentation of the commons in parliament was a matter ſo truly intereſting, that it had at all times excited the regard of men the moſt enlightened; and the defects which they had found in that repreſentation, had given them reaſon to apprehend the moſt alarming conſequences to the conſtitution. That the frame of our conſtitution had undergone material alterations, by which the commons' houſe of parliament had received an improper and dangerous bias, and by which, indeed, it had fallen ſo greatly from that direction and effect which it was intended, and ought to have in the conſtitution, he believed it would be idle for him to attempt to prove. It was a fact ſo plain and palpable, that every man's reaſon, if not his experience, muſt point it out to him. He had only to examine the quality and

nature of that branch of the conſtitution, as originally eſtabliſhed, and to compare it with its preſent ſtate and condition. That beautiful frame of government, which had made us the envy and admiration of mankind, in which the people were entitled to hold ſo diſtinguiſhed a ſhare, was ſo far dwindled and departed from its original purity, that the repreſentatives ceaſed in a great degree to be connected with the people; it was the eſſence of the conſtitution that the people had a ſhare in the government by the means of repreſentation; and its excellency and permanency muſt reſult from this repreſentation being equal, eaſy, practicable, and complete. When it ceaſed to be ſo; when the repreſentative ceaſed to have connection with the conſtituent, and was either dependant on the crown, or the ariſtocracy; there was then a defect in the frame of repreſentation, and it was not innovation, but recovery of conſtitution, to repair it.

Mr. Pitt further obſerved, that it was not now his intention to enter into any enquiry reſpecting the proper mode of reform, or to conſider what would moſt completely tally and ſquare with the original frame of the conſtitution. All that he at preſent intended was, to move for the inſtitution of a committee, to be compoſed of ſuch men as the houſe ſhould, in their wiſdom, ſelect, as the moſt proper and the beſt qualified for inveſtigating this ſubject, and making a report to the houſe, of the beſt means of carrying into execution a moderate and ſubſtantial reform of the repreſentation of the people. But tho' he would not preſs any particular propoſition upon the houſe, he ſtill thought it his duty to ſtate ſome facts and circumſtances, which, in his opinion, made this object of reform eſſentially neceſſary. He believed, indeed, that

there was no member of that houſe, who would not acknowledge, that the repreſentation, as it now ſtood, was incomplete. It was perfectly underſtood, that there were ſome boroughs under the influence of the treaſury, and others totally poſſeſſed by them It was manifeſt, that ſuch boroughs had no one quality of repreſentation in them. They had no ſhare nor concern in the general intereſt of the country, and they had in fact no ſtake for which to appoint their guardians in the popular aſſembly. The influence of the treaſury in ſome boroughs was alſo conteſted, not by the electors of thoſe boroughs, but by ſome one or other powerful man, who aſſumed or pretended to an hereditary property of what only ought to be the rights and privileges of the electors. The intereſts of the treaſury were conſidered, as well as the intereſts of the great man, the lord, or the commoner, who had connections with the borough; but the intereſts of the people, the rights of the electors, were the only things that never were attended to, nor taken into the account. Would any man ſay, that in this caſe there was the moſt diſtant idea or principle of repreſentation? There were other boroughs, which had now in fact no actual exiſtence, but in the return of members to the houſe. They had no exiſtence in property, in population, in trade, or in weight of any kind. There were hardly any men in ſuch boroughs who had a right to vote; and they were the ſlaves and the ſubjects of perſons who claimed the property of the boroughs, and who in fact made the returns. This alſo was no repreſentation, nor any thing like it. Another ſet of boroughs and towns, claimed to themſelves the right of bringing their votes to market. They had no other market, no other property, and no other ſtake in the country, than the property and price which they pro-

cured for their votes. Such boroughs were the moſt dangerous of all others. So far from conſulting the intereſts of their country in the choice which they made, they held out their borough to the beſt purchaſer; and in fact, ſome of them belonged more to the nabob of Arcot, than they did to the people of Great Britain. They were towns and boroughs more within the juriſdiction of the Carnatic, than the limits of the empire of Great Britain; and it was a fact pretty well known, and generally underſtood, that the nabob of Arcot had no leſs than ſeven or eight members in that houſe. Such boroughs were manifeſtly ſources of corruption: they gave riſe to an inundation of corrupt wealth, and corrupt members, by which no intereſt of the people of this country was promoted; and ſuch boroughs ought to be aboliſhed.

Mr. Pitt proceeded to remark, that there was no man in that houſe who had more reverence for the conſtitution, and more reſpect, even for its veſtiges, than himſelf. *But he was afraid, that the reverence, and the enthuſiaſm, which Engliſhmen entertained for the conſtitution, would, if not ſuddenly prevented, be the means of deſtroying it;* for ſuch was their enthuſiaſm, that they would not even remove its defects, for fear of touching its beauty. He admired the one ſo much, ſo great was his reverence for the beauties of that conſtitution, that he wiſhed to remove thoſe defects, as he clearly perceived, that they were defects which altered the radical principles of the conſtitution; and therefore, it would not be innovation, but recovery of conſtitution, to remove them. That a reform of the preſent parliamentary repreſentation was indiſpenſably neceſſary, was the ſentiment of ſome of the firſt and greateſt characters in the kingdom; and he ſhould alſo take the liberty to obſerve, that he well knew it to be

the ſentiment of his much honoured father, the late Earl of Chatham. His lordſhip was firmly of opinion, that a reform of the repreſentation was abſolutely requiſite for the ſecurity of the liberties of the people of this country. He concluded with moving, "That a committee ſhould be appointed to enquire into the ſtate of the repreſentation in parliament, and to report to the houſe their obſervations thereon." The motion was ſeconded by Mr. Alderman Sawbridge.

Sir George Saville zealouſly ſupported the motion, and declared it to be his opinion, *that the houſe might as well call itſelf the repreſentative of France as of the people of England;* for the meaſures of the late miniſtry had certainly received the ſanction of that houſe, although they had as univerſally been reprobated by the country at large. He had a large tree, he ſaid, growing ſome time ſince on his eſtate, which bore many green leaves on the trunk of it, and ſeemed to be in a flouriſhing ſtate; but, on looking at the tree there appeared a hole or two, which he looked farther into, and, on a cloſe inſpection, he found the tree was rotten within; the inſide was mere touchwood He had the rotten part dug out, and now the tree formed a commodious place, in which a dozen perſons might dine with pleaſure. He compared the preſent conſtitution to this tree; it appeared ſound, but on an inſpection it would be found like the tree, rotten at the heart. The nation was certainly in a very bad ſtate, though a more equal parliamentary repreſentation might contribute to remove ſome of the public evils.

The motion which was alſo ſupported by Mr. Fox, was loſt, 161 to 141."

No. III.

THE Reader is requeſted to compare the following Extracts with that paſſage which the Attorney General read from the *Addreſs to the Inhabitants of Newark on a Parliamentary Reform.*

"Do we not know, ſir, that many of our little boroughs are already become ſo venal, that their brokers, or rather their pimps, deal as openly for the ſale of them as bawds for that of a proſtitute."

Sir William Windham's Speech on a motion to limit the number of Officers in his Majeſty's ſervice from ſitting in the Houſe.—Gent. Mag Vol. X. p 652, 1740.

"Seats are let to hire, like ſtalls for cattle at a fair."

Mr. Horne Tooke's Petition to the preſent Commons.

Dr. Swift's Letter to Mr. Pope, dated Jan. 10, 1721.—"As to Parliaments, ſays the Dean, I adore the wiſdom of that Gothic inſtitution which made them annual, and I was confident our Liberty would never be placed on a firm foundation until that ancient law was reſtored among us; for who ſees not, that while ſuch Aſſemblies are permitted to have a longer duration, there grows up a commerce of Corruption between the Miniſtry and the Deputies, wherein they both find their account, to the manifeſt danger of Liberty; which traffic would neither anſwer the deſign nor the expence, if Parliaments were elected once a year."

"Neceſſity has been the mother of the moſt eſſential improvements in the conſtitution. If our anceſtors had been ſo tenacious of old eſtabliſhments, as never to have made trial of a new inſtitution, what would have become of our liberties? We need not, from any ſuperſtitious re-

verence for the wiſdom of our anceſtors, be afraid of innovation. When reaſon, and the principles of the conſtitution, ſanction a Reform, muſt we be detered by mere names? JUDGES may be credulous—may err—nay, it is *poſſible*, they may be *corrupted!*"

Mr. Wedderburn's (now Lord High Chancellor) excellent Speech in favour of Serj. Glynn's motion to reſtrain the power of the Attorney General. See London Muſeum, 1771.

"The monſtrous injuſtice and glaring partiality of the preſent repreſentation of the Commons of England, is almoſt univerſally acknowledged; policy, no leſs than juſtice, calls our attention to this momentous point; for, without a true repreſentation of the Commons, our Conſtitution is eſſentially defective, and our PARLIAMENT, a DELUSIVE NAME, a mere PHANTOM.

Wilkes's Speech in Parliament, March 21, 1776.

The repreſentation which in England is but a mockery, in Scotland does not bear even the ſemblance of a real repreſentation.—*Lord Sempill's Addreſs to the Public.*

"They who will not conform their conduct to the public good, and cannot ſupport it by the prerogative of the Crown, have adopted a new plan. They have totally abandoned the ſhattered and old faſhioned fortreſs of prerogative, and made a lodgment in the ſtrong hold of parliament itſelf. If they have any evil deſign, to which there is no ordinary legal power commenſurate, they bring it into Parliament. *There the whole is executed from the beginning to end, and the power of obtaining their object abſolute; and the ſafety in the proceeding perfect; no rules to confine, nor after reckonings to terrify.* For Parliament cannot, with any great propriety, puniſh others, for things in which they themſelves have been ACCOMPLICES. Thus, its controul upon the executory power, is loſt; be-

baſe it is made to partake in every conſiderable act of Government and impeachment, that *great guardian of the purity of the Conſtitution*, is in danger of being loſt, even to the idea of it. Until this time, the opinion of the people, through the power of an aſſembly, ſtill in ſome ſort popular, led to the greateſt honours and emoluments, in the gift of the Crown, Now the principle is reverſed, and the favour of the Court is the only ſure way of obtaining and holding thoſe honours, which ought to be IN THE DISPOSAL OF THE PEOPLE.—The diſtempers of Monarchy, were the great ſubject of apprehenſion in the *laſt century: in this* the diſtempers of Parliament.—The people ought to be *excited** to a more ſtrict and detailed attention to the conduct of their repreſentatives. Standards, for judging more ſyſtematically upon their conduct, ought to be ſettled in the meetings of counties and corporations, and frequent and correct liſts of voters, in all important queſtions, ought to be procured.

" By ſuch means, ſomething may be done, ſince it may appear who thoſe are, that, by an indiſcriminate ſupport of all adminiſtrations, have totally baniſhed all integrity and confidence out of public proceedings; have confound-

* The SPIRIT of the People muſt frequently be ROUSED in order to curb the ambition of the Court, and the dread of rouſing this Spirit muſt be employed to prevent that ambition. Nothing is ſo effectual to this purpoſe as the LIBERTY OF THE PRESS, by which all the learning, wit, and genius of the Nation may be employed on the ſide of Freedom, and every one be animated to its defence. As long, therefore, as the REPUBLICAN part of our Government can maintain itſelf againſt the Monarchical, it will naturally be careful to keep the Preſs open, as of importance to its own preſervation.

HUME, *on the Liberty of the Preſs.*

ed the beſt men with the worſt, and weakened and diſſolved, inſtead of ſtrengthening and compacting the general frame of government.

" All other plans that are of a palliative nature, have been found inſufficient to intereſt, and animate the great body of the people, from whoſe earneſtneſs alone, any reform can be expected. A long excluſion from any ſhare in the Legiſlature of their country, has rendered the great maſs of the people indifferent, whether the monopoly that ſubſiſts, continues in the hands of a more or leſs extended company; or whether it is divided by them into ſhares, of ſomewhat more or leſs juſt proportions. The Public feels itſelf unconcerned in theſe conteſts, except as to the oppreſſions it ſuffers, and the exactions it ſuffers, which it knows muſt continue ſo long as the people remain deprived of all controul over their Repreſentatives.

" The leſſer Reform has been attempted with every poſſible advantage in its favour, not only from the zealous ſupport of the advocates for a more effectual one, but from the aſſiſtance of men of great weight, both in and out of power. But with all theſe temperaments and helps, it has failed. No one proſelyte has been gained from corruption, nor has the *leaſt ray of hope* been held out from any quarter, that the Houſe of Commons was inclined to adopt any other plan of reform. The WEIGHT of CORRUPTION has cruſhed this more gentle, as it would have defeated any more efficacious plan in like circumſtances. From that quarter, therefore, I have nothing to hope, IT IS FROM THE PEOPLE AT LARGE THAT I EXPECT ANY GOOD; and I am convinced, that the only way to make them feel that they are concerned in the buſineſs, is to contend for their *full, clear, and in-*

diſputable right of univerſal repreſentation."

BURKE's *Thoughts on the preſent Diſcontents. Speech upon the Reform of the Royal Houſhold.*

"But the Houſe of Commons are corrupted and bribed!—And if the nature of ſuch an Aſſembly demands to be corrupted in order to purſue the public good, who but a viſionary can wiſh to remove corruption?

YOUNG's *Example of France, a Warning to Britain.*—Page 92.

"Influence, or, as Reformers call it, corruption, is the oil which makes the machine of government go well."

"EXTRAVAGANT COURTS, SELFISH MINISTERS, and CORRUPT MAJORITIES, are ſo intimately interwoven with our practical freedom, that it would require better political anatomiſts, than our modern Reformers, to ſhew, on fact, that we did not owe our liberty to the identical evils which they want to expunge."

YOUNG's *Example of France, a Warning to Britain.*—Page 171.

A bold, animated, and maſterly writer, commenting on this paſſage, ſays, "Could the whole National Convention more groſsly Libel the King, the Miniſters, and the Parliament of this country?"

Peace and Reform.—Page 52.

And yet this groſs Libel, this farrago of Toryiſm, is *ſanctioned* and WARMLY AND PUBLICLY RECOMMENDED by Mr. REEVES and his *Conſtitutional* Aſſociates!!! When the reader compares theſe paſſages with that paſſage in the "*Addreſs on a Parliamentary Reform,*" ſo much commented upon by the ATTORNEY GENERAL, I perſuade myſelf he will inſtantly pronounce this *loyal* effuſion of Mr. YOUNG's, the moſt barefaced and libellous attack on the Conſtitution he has ever met with, and as far exceeding the "*Addreſs, &c.*" in *political guilt*, as the meridian ſun exceeds in ſplendor the foggy vapour of the

night.—I imagine the reader will alſo be led to conclude, that as *I* have been ſo ſeverely ſentenced for my *crimes*, that *juſtice* has been done to Mr. YOUNG *in the ſame proportion*, according to the ſuperior enormity of his offence, and that he is now doing penance for his political ſins in ſome gloomy ſolitary dungeon.—No ſuch thing! For HIS *patriotic* exertions, he has been rewarded with a preſent of a ROYAL RAM—whether it had a GOLDEN FLEECE or not, I will not take upon myſelf to decide; but certain it is, that he at this moment holds a very lucrative poſt at the New BOARD OF AGRICULTURE!—Had my LIBELS been *equal* to Mr. Y's. perhaps I ſhould have been appointed PRINTER TO THE —— !!!



ERRATA.

Page 5	Line 14,	for *thoſe*, read *theſe*.	
6	27,	for *aſſociating*, read *aſſociate*.	
9	17,	for *received*, read *receive*.	
9	21,	for *have*, read *had*.	
12	25,	for *queſtions*, read *queſtions*.	
18	23,	for *knowing*, read *beleiving*.	
89	17,	for *bijond*, read *beyond*.	
70	12,	dele the word *as*.	
74	28,	for *Nottingham*, read *Sheffield*.	
75	26,	for *National*, read *National*.	
77	2,	for "*by one Year of Impriſonment*," read *one Year's Impriſonment*.	
77	3,	dele the words, "*and by an additional fine of thirty pounds.*"	
99	5,	for *twenty*, read *one hundred*.	

☞ The AUTHOR's confinement in NEWGATE, at ſo great a diſtance from the Preſs, he truſts will be a ſufficient apology for the above, and various other typographical inaccuracies which occur in the preceding pages.

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